A TRVE, MODEST, AND IVST DEFENCE OF THE PETITION FOR REFORMATION, EXHIBITED TO THE KINGS MOST EXCELLENT MAIESTIE.

CONTAINING AN ANſwere to the Confutation publiſhed under the names of ſome of the Vniverſitie of OXFORD.

Together vvith a full declaration out of the Scriptures, and practiſe of the Primitiue Church, of the ſeverall points of the ſaid Petition.

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2. COR. 13. 8.

Wee can doe nothing againſt the truth, but for the truth.

Hierom. dial. adverſ. Pelag.

Veritas laborare poteſt, vinci non poteſt.

The truth may bee contradicted, but it cannot bee conquered.

Imprinted 1618.

A TRVE, MODEST, AND IVST DEFENCE OF THE PETITION FOR REFORMATION, EXHIBITED TO THE KINGS MOST EXCELLENT MAIESTIE.

CONTAINING AN ANSwere to the Constitution published under the names of some of the Vniversitie of OXFORD.

Together with a full declaration out of the Scriptures, and practise of the Primitiue Church, of the severall points of the said Petition.

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2. COR. 13. 8.

We can doe nothing against the truth, but for the truth.

Hierom. dial. adverf. Pelag.

Veritas laborare potest, [illegible].

The truth may bee contrarie[illegible] cannot bee conquered.

Imprinted 1618.

BRITISH MUSEUM

TO THE CHRISTIAN READER.

IF ever Impar congressus (*gentle Reader*) were between Combatters, iust cause of exceptiue complaint; then certainly it is between the Saints and Antichrist, (in respect of outward worldly helpes) and that as well in the lesser skirmishes, as in the greater battels. For in both, the Saints do enter the lists, and hold out the conflict upon very many no small disadvantages: as may most easily appeare to any that with indifferent iudgement, shall (to omit all others) weigh but euen these particulars ensuing.

1 Our aduersaries that striue for

the defence of the Romish *trash, which the Divell and that Man of Sinne hath left yet among us, haue the countenance of worldly authority; whereas it fareth with us, as with the maine of the Gospell in the dayes of our Lord himselfe,* Ioh. 7. 48. Haue any of the Rulers beleeved on him?

2 *Their cause being receiued by tradition from our Forefathers that lived in blindnesse, hath the applause generally of all naturall men; Ours, because it is so hardly discerned, is scarcely receiued by the children of Wisedom, and* is every where spoken against, *Act.* 28. 22.

3 *They abound in outward wealth: We poore.*

4 *They haue great store of witty and learned men to defend their cause, we are in number few, and of those few very many timorous and fearefull of ensuing dangers.*

5 *The Authours of their pleadings richly rewarded with some Bi-*

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shopricke, Deanerie, or other fat Benefice: Wee deprived and cast out of our livings, and liuelihoods, if wee bee discovered; yea clapped up into prison, if the Prelates lay hold on us.

6 *They men of glorious state and pompe in the world: wee are esteemed as were the Apostles,* 1. Corinth. 4. 13. Even the off-scouring of all things.

7 *They haue leasure enough to invent and publish what they think meet to say for their defence; Wee must first labour for food and rayment for our selues and ours, and then take some stollen houres now and then to do what we do this way.*

8 *To them the Presses are alwayes open and free: But to us they are more then shut. For it is not safe for us once so much as to suffer the Printers to know that wee haue any such Coppy to be printed.*

9 *The Stationers at home are ready*

to giue them large moneyes for their copies, and so undertake the printing and publsihing thereof: We must, at our great charge and hazard, hire the printing of ours in some other Land.

10 *Open sale in every Booke-sellers shop is free for them: Ours, if they be taken by the Bishops, are burnt, or otherwise utterly suppressed.*

11 *They haue sundry lothsome prisons at their command, whereinto they shut us up, euen untill we dye sometimes, when by arguments they are not able to confute us: We haue onely bodies so to be afflicted by them, and sure arguments unanswered.*

12 *They are in their owne causes both parties and Iudges: and we, without helpe by any appeale to any other then the Lord Iesus, must at their pleasures abide their censures.*

13 *Their threed-bare allegations of mans writings is accounted deep and ancient learning, but our avouching the most cleare evidence of the written*

word of the Ancient of dayes, is reckoned ignorant noveltie.

14 We challenge them to try it out in the open field by dint of the ſword of the Spirit; witneſſe the Modeſt offer of Cõference, the Humble Motion, &c. and yet are blamed; they are praiſed, though they utterly refuſe this way of triall, and warre againſt us onely with carnall weapons, as Suſpenſions, Deprivations, Impriſonments, &c.

15 Threatned dangers make men afraid to read our bookes, though never ſo ſecretly conveyed unto them: Theirs all may moſt freely read openly, and that with thanks and commendations.

Now by reaſon of theſe, and ſundry ſuch like diſadvantaging hinderances, this enſuing Treatiſe hath lien hid (as many other the like ſtill doe, never like to ſee the light for want of meanes of publiſhing them) about 14. yeares. For in the yeare of our Lord 1603 certaine Oxford men, having gotten into their hands a Copy of a dutfull and

pious ſupplication prepared to be exhibited to his Maieſty for Reformation of certain corruptions crept into our Churches, or rather left in them by Antichriſt at his extruſion, forthwith publiſhed the ſame in print, together with an anſwer thereto (ſuch as it is) defending and maintaining all or moſt of the ſayd corruptions ſo intended to bee petitioned againſt, and that in the name of the Vice-chancellor, the Doctors, both the Proctors, and other the Heads of houſes in the Vniverſitie of Oxford, avouching it to bee agreeable undoubtedly to the ioynt and uniforme opinion of all the Deanes and Chapiters, and all other the learned and obedient Clergie in the Church of England, and to bee confirmed by the expreſſe conſent of the Vniverſitie of Cambridge, although many of them both Doctors, and Heads of Houſes in either Vniverſity, and members of Chapiters otherwhere in the Land, and alſo ma-

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ny more of the obedient Clergie were openly knowne to be of contrary iudgement unto them in the particulars mentioned in the Petition, and by these men defended, and most of the residue never saw, nor once heard of the answer, untill it was published in print. Such was their boldnesse. Not long after, some of the chiefest Ministers, that were interessed in the same Petition, penned this discourse following in defence of the said Petition, and reply to the aboue mentioned Answer, which hath been obscured from that time till now, partly for the reasons aboue rehearsed, and partly because such is the woefull coldnesse of these back-sliding dayes, that even those which seemed heretofore most forward for Church-reformation, are so declined, that they like not so much as to heare of that, that may in any sort once seeme to threaten the least hinderance of their worldly profit, or disquiet to their carnall peace, be it never so healthfull to

their

their ſoules. Inſomuch that they are ſo farre from being aiding and aſſiſting to Chriſt, in this his cauſe, either by labour or coſt, that when bookes are printed in defence thereof for their information and inſtruction, they either neglect to buy the ſame, or having bought them, caſt them aſide into ſome hole or corner, never vouchſafing to peruſe them: yet Wiſedom is iuſtified of her children, and ſome enter the gate of life be it never ſo ſtraight; and walk in the Lords way, be it never ſo narrow. If any obiect, that theſe are no matters of ſalvation, but of leſſe moment, and therfore not to be ſo much ſtood upon; Let him heare for anſwer, That no man can haue ſound aſſurance of being exempt from confuſion, that hath not reſpect to all Gods commandements to the beſt he is able, as well leſſer as greater. Pſal. 119, 6. neither may any hope for plenary redemption by Chriſts Prieſthood, that is not willing to yeeld plenary obedience to his Propheſie, and kingdome:

dome: seeing he onely is with God accounted truely gracious, that giveth himselfe both to learne all that God teacheth concerning him in his place, and to practise whatsoever God so causeth him to know. Affected ignorance refusing necessary knowledge, and wilfull rebellion against the light receiued, being alike detestable before the Lord.

Now that the knowledge of these poynts is very needfull for all sorts of Christians, whether of higher or lower degree, and of what Calling soever, may most evidently appeare by these reasons, to omit sundry other.

First because many of them are matters of daily practise, even of all sorts, and rankes of persons amongst us, and will any say that it is, or can be safe for a man in the speciall service and worship of God, to doe either hee careth not, or knoweth not what?

Secondly, for that they mainly tend to the honour or dishonour of that Lord whom we all professe to serue, and shall

his

All his glory be so lightly regarded by vs?

Thirdly, they make directly either to the beautifying or deforming of the visible Church, which is the body of our Lord Iesus Christ, whereof wee are members, every one for his part. And can any godly minde be careleſſe hereof?

Fourthly, they doe plainly ſerue either to the edification or deſtruction of themſelues, and many other of their deere brethren, for whom Chriſt died, chiefly by their myſticall ſignification: who then can iudge them to bee of ſmall moment?

Fifthly, many of the liuely members of Chriſt ſuffer for them unto impriſonment, beſides many other miſeries, yea even unto a languiſhing death: And will any good Chriſtian fall under the fearfull doom, Mat. 25. 41. 43. for not viſiting & helping Chriſt perſecuted in his members? Or ſhall we endanger our ſelues to that dreadfull curſe, Iudg. 5. 23. for neglecting to helpe the Lord a-

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gainſt the mighty? God forbid. *Or ſhall any perſwade us in thoſe things to go on careleſſe or blind-fold without diſcerning whether we pleaſe or diſpleaſe God in our doings? Far be it from us; for* that which is not of knowledge, can not be of faith. Rom. 10. 17. *and* whatſoever is not of faith cannot be pleaſing to God. Heb. 11. 6. but is ſin, Rom. 14. 23. *and* the wages of ſin is death. Rom. 6. 23. *I trow no gracious heart will eſteem any ſin light, or the wages thereof triviall. Wherefore in the feare of God let all men beware how they do ſo ſlightly eſteem theſe matters ſo frequent in practiſe, neere to Gods ſpeciall preſence, for which his Glory, Churches and Children ſuffer ſo many, and ſo great evils. Indeed they are not to bee ranked with things of the greateſt moment; but yet ſeing it is apparant, that no man among us (eſpecially as things now ſtand) can without manifold ſins neglect them: therfore foraſmuch as beſides ſundry other treatiſes handling the ſame*

matters,

matters, this offreth it ſelfe to thy view, be not unwilling duely to conſider what is ſayd on both ſides, and the Lord giue thee underſtanding to diſcerne truth from falſhood, and good from evill, that thou mayeſt reject and eſchew the one, and embrace and follow the other. On the one ſide thou mayeſt preſume as much is ſayd as probably can be, ſeeing it is the fruit of ſo many learned Doctors labours, as the title boaſteth of: yet if the other haue not more ſincerity, and ſoundneſſe of truth and reaſon, I deſire not it ſhould finde any favour in thy ſight: but if yea, then do as God ſhall moue thine heart, and even ſo I commend it to thy diligent reading, and adviſed and godly iudgement, and thee to the guidance of the moſt high.

Moreover, whereas of late there is publiſhed a certaine Scholaſticall (I had almoſt ſayd Sophiſtical) Tract, moſtly of the ſame ſubiect, by one M. Sprint, a Gloceſtershire Miniſter, entituled, Caſſander Anglicanus, tending in a ſort

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to the patronizing of these Popish ceremonies here treated of, which may occasion the stumbling of some weak ones: although I heare that by Gods mercy, it is fully resolued upon some time since, that the sayd Tract shall be at large answered and confuted. Yet for the stay of the feebler sort in the meane time, that are lesse able to discerne how hee himselfe is therein deceiued, and deceiueth others, I offer to consideration: First, a few things obseruable in the Tract it selfe; and secondly, certaine Tables written heretofore by the same Author, touching the same subiect, and by him entituled, The Anatomy of the Ceremonies, &c. *and* Bellum Ceremoniale. *The Tables I haue annexed hereto, desiring thee, that if thou haue his foresayd* Tract *by thee, thou wilt be pleased to compare them together; and then with indifferent iudgement giue sentence, whether is more agreeable to the truth, this or the other. Deny them to be his owne in any part, as I am*

assured

assured he cannot; so, I hope he will not once be willing to do, chiefly seeing there are so many living witnesses thereof: And that they are more sutable to the sincerity of the Gospell, and the integrity of a good Christians conscience, I nothing doubt, but that all men equally affected, upon due survey of both, will most easily and freely grant. Of what validity or worth then this his later worke is, I leaue to the understanding Reader to iudge, doubtlesse that his Anatomie and Bellum Ceremoniale, can never bee reconciled to this his Cassander Anglicanus, but doth most clearely contradict and confute the same, evincing it to be utterly erroneous, and unsound. And concerning the Tract it selfe, I obserue divers things worthy to bee remarked: First, it hath met with some Iesuit-like Index expurgatorius: For, falling into the hands of the Prelates (or at least of some of their Chaplaines) not to speake of other Purgations, it is in one place purged of

this

this whole Paragraphe *following, scil:* It scandalizeth and offendeth the Bishops, making them guilty of many sins, in depriving so many and so worthy Ministers for trifling ceremonies: which hindering and forbidding to preach, is by the H. Ghost reproved and plagued. *Amos.* 2.12. & 8.12. *Act.* 17. & 4.18. & 5.28. 1. *Thess.* 2.16. As for example:

First, to put by Gods substantiall & necessary worships by him commanded for trifling and indifferent ceremonies of humane invention.

Secondly, to rob the people of the appoynted food of their soules, and *ordinary meanes of their faith, Rom.* 10.17. *Regeneration.* 1. *Cor.* 4.16. *and salvation,* 1. *Cor.* 1.21, matters of so great importance for trifles of so small consequence; yea for these things to take away many a true Sheppard, and to commit or leaue the flock unto many a Wolfe and blind guide, which will either

make havock of them, or lead them into the ditch of destruction.

Thirdly, to leaue the Papists cause wholy, 1. by retaining their ceremonies, 2. suppressing our best Ministers, 3. by withdrawing or misspending the gifts of themselues and others to mutuall brawles, and so to giue them rest to mischiefe the Church, and increase their Synagogue, 4. by opening their mouth to blaspheme the Gospell by these our mutuall brables.

Fourthly, to driue many hereby on the rock of Schisme, and lamentable Separation: the plentifull experience whereof hath bred much griefe in the hearts of the well affected.

Fifthly, to undoe so many Ministers and their families, of very good desert, of the meanes of their maintenance, to their utter undoing, being so fitted for the Ministerie, and unfitted for any thing else.

Sixthly

Sixthly, to cauſe the Sabboth, a morall precept of God, to bee prophaned for ceremonies of mens addition: and that in ſo many places of the Nation.

Seventhly, to punish the people for the fault of their Paſtor (if any be:) For it is the Miniſter that conformeth not, but by his ſilencing the people are plagued, *Pro.* 29. 18. *Hoſea.* 4. 6. This is iniuſtice to punish one man for the offence of another.

Eightly, to do a thing cleane contrary to that themſelues pray for, at leaſt which Chriſt commands to pray for. For Chriſt commands his *to pray to the LORD of the harveſt, that he would thruſt forth labourers into his harveſt*; which when he hath done, they thruſt them out. *Matth.* 9. 38.

Ninthly, it utterly undoeth the Miniſter (a painfull labourer of Ieſus Chriſt) as alſo his wife and chil-

dren, and disableth them to liue, which by Gods apoyntment should be maintained, 1. *Cor.* 9. 14. yea well maintainded, 1. *Tim.* 5. 17. This is oppoſite to the law of loue & Iuſtice. *Whereby it doth manifeſtly appeare, that the Authour is very groſly abuſed, becauſe his whole minde is not publiſhed, but ſo much onely as beſt ſerveth the Prelates turne, a trick not unuſuall with them for their advantage. Witneſſe amongſt others the English tranſlation of* Bucanus *his* Common places. *Whereout the Authours diſcourſe touching Diſcipline (tranſlated by Doctor* Hill, *yea imprinted) is taken, and a diſcourſe of Biſhops governement put into the roome thereof; both without Doctor* Hils *knowledge. Nay, hath not this* Index expurgatorius *tampered with the holy Scriptures themſelues? Obſerue for the preſent but two places, Act.* 14. 23. *is thus tranſlated, not onely in the* Geneva, *but alſo in the former Church tranſlation,* And when they had

had ordained them Elders by election. *But the new translation with the Rhemists, leaveth out these words,* by election. *Why? It is not to be suffered, that the people should haue any hand in chusing their ministers, but papal Bishops must do all,* 1. Cor. 12. 28. *is translated both by the* Geneva, *and former Church translation,* Helpers, Governors; *but the new translators herein worse then the* Rhemists, *translate it* Helpes in governments, *foisting into the Text this preposition* [in.] *Why? They cannot abide Elders to assist the minister in governing Christ his Church. So that Curchwardens are but the Prelats promoters. But we must passe by this as their natural weakenesse, seeing it is sucked in with the milk of their mother, scil. the Church of* Rome, *from whom they haue receiued their callings, & also these corruptions thus by them pleaded for, together with this unscholler like, nay dishonest means of upholding the same.*

2 *The tearmes of the main conclusion*

2.

of the whole Tractate are to be conſide-
ſidered. ſcil. It is neceſſary for a Mi-
niſter to conforme to the ceremo-
nies preſcribed in the Church of
England, rather then to ſuffer depri-
vation. *Where it is to be noted,* 1. *that*
he ſpeaketh not one word in defence of
the ſubſcription required, and yet moſt,
if not all theſe that are debarred from
the execution of the worke of the Mini-
ſtery in our Churches, whether they haue
been heretofore ſilenced, or not, are
debarred principally for refuſall of the
ſayd ſubſcription. To very little purpoſe
therefore are his foure inferences layd
down in the third page of his book; nay
in truth to very little purpoſe were his
whole book, were he able to iuſtifie all
he hath written, which all wiſe men
may eaſily perceiue that he is never able
to performe.

2. *That he ſpeaketh ſo faintly for thoſe*
ceremonies, that not daring to ſay, the
required conformity is neceſſary, either
in it ſelf, or in reſpect of the Magiſtrates

com-

command, he ſayth onely this, That it is neceſſaty rather then to ſuffer deprivation. *So that as in the* Paragraph *gelded by the Prelats, it is evident, that* extra caſum deprivationis, *a Miniſter is not to bee blamed for not conforming to them in this Authors iudgement; nay that the Prelats are rather utterly to be blamed for requiring Conformity thereto.*

3 *Every of thoſe three arguments, whereby hee endevoureth to proue this concluſion, falleth as much too short of proving the concluſion, as the concluſion it ſelfe doth of condemning the ſilenced Miniſters of ſin for not conforming rather then to ſuffer deprivation, which are not deprived for not conforming, but for not ſubſcribing, which he himſelfe amongſt his religious friends hath often both of old, and alſo of late profeſſed, he neither would nor could yeeld to do for any mans pleaſure under heauen, what loſſe or punishment ſoever he ſuffered therefore.*

The first Argument drawne from the doctrine and practise of the Apostles, who taught that the Iewish Ceremonies were beggerly rudiments, Traditions, Will-worships, Doctrines of Men, &c, *and yet did practise the same; besides many other iust exceptions, is guilty of the fallacy,* à bene diuisis ad male coniuncta, *seeing it is altogether as false, that the Apostle did so teach, and yet so practise in the same Churches, as it is true that they did so teach, and yet so practise at all. For among the Iewes, and in their Churches onely did they so practise, to whom those* Mosaicall *Ceremonies were even lately before the saving ordinances of God given by God himself, for their edification & training up in religion to eternall life. And the Author hath utterly failed to proue that the Apostles did so teach as is aboue-sayd, in any of those Churches, but onely in the Gentile Churches, to whom they were never given by God*

to

to any such end, nor indeed at all, and there the Apostle Paul *would not by any meanes suffer the use and practise of those Ceremonies to bee brought in, no not for the space of an houre,* Galath. 2. 5. *but rather sharply reproved* Peter *and* Barnabas *openly and to the face, for giving way thereunto,* Gal. 2. 14. *lest by building againe the things hee had destroyed, he should make himselfe a transgresser,* Gal. 2. 18. *And hereto agree the rest,* Acts 21. 25. *And if hee would not giue way, no not for an houre, that the* Mosaicall *Ceremonies should be used in the Gentile Churches, although they had lately been unto the Iewes (*of whom came salvation, Ioh. 4. 22.*) the heavenly Ordinances of GOD, giuen them for their building up in grace, how much lesse would hee haue suffered our rotten and accursed ceremonies to haue beene brought in, that never had better birth, then from Hell by the Divell, and*

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Antichrist, for the defacing of Gods glory, and destruction of his people. Wherefore the doctrine and practise of the Apostles is most fully and flatly against him in this poynt, and his fallacious argument worse then fie upon it. Yet further, If those ceremonies did turn the Gentile Churches from the truth, as he sayth, quoting for proofe, Tit. 1. 14. *which once having in them the breath* of life, *led the Iewes to the truth, even to Christ,* Gal. 3. 24. *Whither do ours, that never had better breath in them, then the poyson of destruction, turne, yea driue and thrust men.*

As for the Apostles enioyning the Gentiles to abstain from bloud & strangled, himselfe doth giue sufficient answer to it. Where, by distinguishing, hee sheweth, that ours are not of the like kinde, seeing the practise of the one stands in matter of abstinence, and of the other in matter of action, and so do differ toto cœlo.

Finally, *it is needfull for this man, in*

mine

mine opinion, to repent himselfe of his accusing the Apostles of the Lord, yea the Holy Ghost it selfe, to teach one thing and practise the contrary. Which can be no lesse (the holy Ghost it selfe being iudge) then to build by doctrine, and destroy by practise the same things, and so to be guilty of transgression, Gal. 2. 18. *And his second argument is no better then the first, being plainly guilty of the fallacy which Schollers call* ignoratio elenchi: *for the argument lieth, as if the duties therein mentioned, were both affirmatiue: which is utterly false. For we professe our selues restrained by the negatiue part of the 2. Commandement. Now let him, if he can, shew where any negatiue part of the first Table is to giue place to any affirmatiue of either first or second, and then I will confesse, that he hath spoken more then is to bee found in all his impertinent and confused rumble about this poynt, and also, that he hath* anihilated *that old distinction of Schoolemen, scil. of*

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Commandements binding ſemper, or ad ſemper, neither will it ſuffice to tell us of Sacrifices of the old Teſtament, which fell under the ſecond commandement, not immediatly, but mediatly, ſcil. mediante præcepto ceremoniali, ſo that in this, as in the former, there are very many words, and much labour beſtowed altogether beſide the poynt in queſtion, and the whole argumentation is utterly deceitfull.

Moreover, the one of the duties here by him compared, ſcil. the bearing witneſſe againſt the Ceremonies, is but one conſequent among many, flowing from our obedience to the ſecond commandement in refuſing the ſayd conformitie. Now what good dealing is this, firſt to change the nature of the precept, whereto we perform obedience in refuſing the ſayd conformity from negatiue to affirmatiue, and then to put one conſequent of many flowing from this obedience, for the whole obedience it ſelfe? If this be not deceitful dealing, what is, or can be.

Laſtly

Lastly, if this Argument of his bee so firme and good against us, as hee would haue his Reader beleeue, then I desire him in his next, to teach mee how to free Shadrach, Meshach, *and* Abednego *mentioned* Dan. 3. *from being worthy of blame. For if their case should fall under such* Legier-demaine *as this of his, a man might call their refusing to fall downe before the golden image, nothing more but a bearing witnesse against the image, and say, that they being great Magistrates, did preferre the bearing witnesse against the image a lesse dutie, before the duties of the Magistracie, and of preserving their owne liues, which by this mans reckning, should be greater duties, and so be guilty of sin in so doing. For that the losse of the liues, and deprivation of so great places in the Magistracie of three so gracious and eminent persons as these, is of greater moment and consequence, then the depriuation of any three of us from our Ministery, one can reasonably deny. The like may*

be

be sayd of very many of the Martyrs of Christ, both former and later: but a taſt is as much as I intend, this therefore shall ſuffice.

Neither is his third and laſt argument any thing leſſe ill, but rather worſe, if worſe may be, then either of the former. For it is liable to both the parts of the Orthodox Proteſtants anſwer to the Papiſts argument of vniverſality, and more then ſo. For firſt, to patch up his forged vniverſality, hee foyſteth in a multitude of corrupt Fathers, & brown-paper fellowes, being Lutherans, or worſe, which approving almoſt all the ſuperſtitious ceremonies of Papiſtry, are in this caſe no competent iudges, nor allowable witneſſes. Secondly, he cannot be ignorant, that all Orthodox Proteſtants do anſwer the Papiſts thus: That an argument from humane authority in ſuch a caſe, is very inſufficient. And laſtly, he well knoweth, that all incompetent iudges or witneſſes ſet a part, hee hath been offered to his face an Oliver for a Rowland readily to be given him,

and

and more then ſo (that is) more Witneſſes of the truely Orthodox to be againſt him, then he can find to be with him, ſo that neither is this conſent ſo univerſall, as he boaſteth of, nor if it were, is it any thing worth in this caſe, and ſo both antecedent and conſequence are both naught. Alſo what a multitude of Papall, nay worſe then Papall rites both his ancienter and later Witneſſes maintain, himſelf in this his Tractate being iudge; I leaue to the Iudicious Reader to conſider: for they are ſo many and ſo beaſtly, that I wil never once defile my pen with relating them. Onely this queſtion I will propound to the Author, deſiring him as in Gods preſence to anſwer me ſcil. Whether the reſidue of the Papiſts ceremonies may not be maintained by this argument as well as theſe of ours? And if yea; then why he doth not as well blame all Orthodox Proteſtants for rejecting the one, as for refuſing the other? yea, why hee doth not alſo perſwade all Calviniſts, in matter of Ceremony, to Conforme to Rome.

There

There are very many other weighty, & iuſt exceptions to be taken to the ſaid arguments & the Proſſyllogiſmes *brought for the proofe thereof, but my purpoſe, at this time, & in this place, is only to touch them, & therefore not willing to hold thee any longer from the body of this treatiſe, I take my leaue, beſeeching thee to take the paines adviſedly to peruſe it, and God to make thee rightly to underſtand, & wiſely to iudge of it, & alſo to giue thee grace to loue the known truth and to walk in the ſame, according to al thy might; For many are therefore* given up to beleeue lies, through ſtrãge deluſions, becauſe they receiued not the loue of the truth that they might be ſaued, 2. *Theſ.* 2. 10. 11. *Now the very God of peace ſanctify thee throughout in thy perſon & in all thy wayes & works, and I pray God that thy whole ſpirit, & ſoule, and body may be kept blameleſſe unto the comming of our Lord Ieſus Chriſt, even ſo Amen.*

TO

THE MOST CHRISTIAN and excellent Prince, our gratious *and Dread Soveraigne* IAMES *by the* grace of God, King of England, Scotland, *France and Ireland, &c. Wee the Miniſters* and Preachers of the Church of England, that deſire Reformation, wiſh a long proſperous and happy raigne *over us in this life, and in the next everlaſting ſalvation.*

MOſt gratious and dread Soveraigne) we little thought when firſt our humble Perition was exhibited to your excellent Maieſty, (it being both for the matter honeſt, and for the manner peaceable) ſhould haue found ſo hard entertainment abroad, as that this action of ours ſo ſecretly, orderly, and lawfully enterpriſed, ſhould be by publick writing tra-

Anſw. to the Petit. Epiſt. Ded. p. 4. l. 21.

traduced, as vnduly, and dishoneſtly attempted. Our meaning was onely to intimate to your Majeſty the ſtate of our Church, not to lay open the nakednes of our Mother to the ſcandall of the enemy, nor to appeale to inferiour iudges, to the preiudice of your Maieſty, to whom the cognizance of this cauſe, and deciding of this ſtrife of right appertayneth.

We truſt therefore that as *Abraham* compoſed the variance between his, and *Lots* ſervants, *Moſes* between the *Hebrewes*, *Conſtantine* among the Church Miniſters ſo it will pleaſe your Majeſty to be a iudge between us, and to giue us leaue to defend & iuſtifie our innocent cauſe. As for us we ſay with the Apoſtles: *We cannot but ſpeak the things, which we haue ſeen and heard*: and approue that ſaying of *Hierome*: *Minoris peccati eſt ſequi malum, quod bonum putaris, quam non audere defendere quod pro bono certo noveris.*

Geneſ. 13. Exod: 2.

Act: 4. 20.

Dialog. 1. adverſ. Pelagian.

Now

Now then moſt noble King, giue your faithfull ſubiects and unfained lovers of the trueth, your princely leaue to iuſtify their honeſt and godly petition, which hath been by ſome of our Brethren in their heate impugned. In which their enterpriſe we humbly craue licence to propound certain generall obſervations, which we referre to your Highneſſe Chriſtian conſideration.

1. Obſervation. Oppoſition between the Kings iudgement & the Cenſurers of Oxford.

First whereas wee your Maieſties humble Petitioners haue throughout conformed our deſires and requeſts to your Maieſties iudgement, *who haue wished us to iudge of your future proiects, according to your by-paſt actions*: and haue proportioned our ſuites after the rule preſcribed in your Majeſties book, *which you would haue taken of all men as an image of your mind, and a Diſcovery of that which may be looked for at your hands*: Yet our brethren to our underſtanding, haue been bould in diverſe

Preface to Baſil.

points to oppoſe their indgement to your Maieſties.

Pag. 7. 1. They count it *an unſufferable thing to permit*: any thing touching the government of the Church: *to be ſo much as queſtioned*: Whereas it hath pleaſed your Maieſty in your princely wiſdome, to permit, and will a conference of the learned concerning ſuch matters.

Pag. 10. 2. They will not grant that theſe articulated, are the peccant humors of the Church, and ſo conſequently acknowledge none: Your Majeſty ſaith otherwiſe: *no kingdom lackes her own diſeaſes*: and ſeemeth not to be ignorãt *of corruptions ſtoln into the ſtate.*

3 They juſtifie ceremonies & traditions not warranted by the word, as the croſſe in baptiſme, the ſurplice, interrogatories miniſtred to infants, Confirmation: But your Maieſty hath shewed us to ground *our conſcience onely upon the expreſſe Scripture, and to diſcerne between the ex-*

Baſil. p. 18. 19.

preſſe

presse Will & Commandement of God in his word, and the invention, and ordinance of man.

4. They count them turbulent that would not haue the Apocrypha read in the Church : But your Maiesties iudgement is otherwise : *as to the apocrypha books I omit them, because I am no Papist, and indeed some of them are no wayes like the ditement of the Spirit of God.* p. 14. Basil. p. 1.

5. Your Majesties princely resolution is *to see all your Churches within your Dominions planted with good Pastors:* Our brethren say it is impossible, and that the defects of some men may be better supplied by other meanes then by preaching, as by reading of Scripture, and of homilies, and of the service boke: and that all Ministers were not preachers in the primitiue Church. Basil. p. 43. p. 15. Ans: p. 16. p. 14.

6. Your Maiestie most truly affirmeth according to the Apostle, that *faith commeth by hearing* the word preached Basil. p. 4.

P.16, Anſ. preached: Our brethren ſay that the reading of Scriptuers, of Sermons, and Homilies, are the ordinary effectuall meanes to increaſe faith.

7. Your Maieſties Chriſtian motion to the Vniverſity is, *that leaſes of their tithes impropriate be ſo demiſed, as Eccleſiaſtical perſons onely may be maintained & inabled to execute their functions, the Collegdes being provided for.* But our Brethren do charge the Petitioners for this motion with lack of conſcience. p.19.

Baſil.p.43. 8. Your Majeſties care is, *that the doctrine be preſerved in purity according to Gods Word:* The Petitioners for moving to haue an uniformity of Doctrine, and all popish opinions abolished, are challenged for shameleſſe ſuggeſtions. p.13.

Baſil. 13. 9. Your Majeſties will *is, that the diſcipline bee likewiſe preſerved in puritie according to the Word of God:* The Petitioners humbly deſire accordingly that the diſcipline may be admini-

miniſtred according to Chriſts inſti-
tution: for this motion they are re-
proved. p.20.

10. Your Maieſty moſt princelike Basil. præf.
profeſſeth, *equally to loue and honour the learned and graue men, of either opinion*: that like better of the ſingle forme of pollicy in the Church of Scotland, or of the many ceremonies in the Church of England. Our bre- Epiſt. p.5.
thren count the Petitioners Shiſmaticks, Hypocrites, diſhoneſt perſons, for miſliking of ſome ceremonies, and other abuſes, and wish the land were cleane purged of them.

11. Your Maieſty giveth this ho- Basil. præf:
norable teſtimony of the godly mi- 11.
niſters of Scotland, *that there is preſently a ſufficient number of good men of them in that kingdom*: But the Con- p.30.
futers ſay, *There are not many men brought up among them in this laſt reformed age, worthy of that wonted honorable maintenance.*

12. Your Majeſty ſpecially provi-

deth for keeping holy the *Lords day*: *ſo that alwayes the Sabboths be kept holy, and no unlawfull paſtime bee uſed*: But our brethren ſeeme to urge the reſt upon other holy dayes as ſtrictly as upon the Lords day.

Anſ. p. 13

Whatſoeuer opinion is conceiued of our brethren, and howſoeuer they are men of credit and eſtimation in the world: theſe humble petitioners would by no means hane preſumed thus to haue thwarted your Majeſties Chriſtian judgement: We for our parts wish none other reformation, then your Majeſties own profeſſion hath given us hope of; We thank God for your Chriſtian iudgement and conſtant reſolution: It is our happineſſe that God hath ſent vs ſuch a king, not onely noble in princely birth and natiuitie, but in vertue, knowledge and piety as the preacher ſayth: *Bleſſed art thou, O Land, when thy King is the ſonne of Nobles*: and ſuch an one as *Ambroſe*

Eccl. 10, 17

brose describeth the King of *Ninivie*: *Necesse erat, ut qui potentior cunctis fuerat, devotior fieret universis.* Ser. 40.

Further, may it please your Maiestie to understand how much these Doctors and Proctors of *Oxford* doe vary from the iudgement of their predecessors, approving those abuses and corruptions, which were even in the time of Popery condemned in a Councell held at *Oxford* under *Stephen Langthon* Arch-Bishop of *Canterbury*, not aboue 250. yeeres since. 2. Observat: difference betweene the old and new Oxford doctors.

1. There the Pastors are enioyned, *Vt plebes sibi commissas, &c.* *That they procure the people committed unto them to be informed with the food of Gods word*: otherwise *canes muti iudicentur*; *they are counted dumb dogges*: But these *Oxford* men excuse unpreaching Ministers, affirming that all were not Preachers in the primitiue Church. pag. 14. Consil: oxonien: sub Steph:

2. They decreed that none should be

be admitted to a vicarage, *nisi velit &c. unlesse he will be personally resident in his Church.* They condemne Non-residence, these iustifie Non-residents. pag. 17.

3. They decreed, that if they which are admitted to Cures of a certain value, were not resident, seeing bread must not be given but to those that labour, *Ecclesijs suis spolientur, &c. should be deprived.* But these count it an uncharitable act, yea though other provision be made for them, that they which cannot labour should be removed. p. 15.

4. They would haue no spirituall offices farmed, under paine of suspension: *statuentes, &c.* decreeing that no Archdeaconry, Deanery, or other Office, which consisteth in meere spirituall things, *nulli dentur ad firmam, &c. be put to none to farm.* These count it an indifferent thing. pag. 24.

5. Old *Oxford* men thought good

that

that none should bee excommunicate where the fault is not apparant, *Niſi canonica monitione præcedente, unleſſe they be canonically,* that is, *thrice admonished.* Theſe new *Oxford* men count it contempt for the which men are now excommunicate. p. 23. when as they uſe but once to bee ſummoned before.

6. They forbid, *Ne præſumant pariter iudices eſſe & actores: that they should not be both iudges and actors, or promoters.* But theſe ſimply approving the oath *ex officio*, p. 25. do conſequently allow ſuch proceedings, for in this caſe the Iudge dealing *Ex officio* is an agent and promotor of the cauſe.

7. They punish ſuch Advocates *qui protrahunt matrimonium malitioſe, &c. which wittingly protract ſuits of marriage:* and ſuch are excommunicated becauſe by them it commeth to paſſe, *ut contra iuſtitiam proceſſus cauſæ diutius ſuſpendatur: the*

pro-

be admitted to a vicarage, *niſi velit &c. unleſſe he will be perſonally reſident in his Church.* They condemne Non-reſidence, theſe iuſtifie Non-reſidents. pag. 17.

3. They decreed, that if they which are admitted to Cures of a certain value, were not reſident, ſeeing bread muſt not be given but to thoſe that labour, *Eccleſijs ſuis ſpolientur, &c. should be deprived.* But theſe count it an uncharitable act, yea though other proviſion be made for them, that they which cannot labour should be removed. p. 15.

4. They would haue no ſpirituall offices farmed, under paine of ſuſpenſion: *ſtatuentes, &c.* decreeing that no Archdeaconry, Deanery, or other Office, which conſiſteth in meere ſpirituall things, *nulli dentur ad firmam, &c. be put to none to farm.* Theſe count it an indifferent thing. pag. 24.

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pro-

h 4 *proceeding in the cauſe is longer, then iuſtice would, ſuſpended.* But theſe take upon them to defend longſomneſſe of ſuits in Eccleſiaſtical courts.

8. They determine, *Ne Monachus vel Canonicus Eccleſiam audeat retinere ad firmam: That no Monke or Canon ſhould hold any Church to farme:* but theſe maintaine the demiſing of impropriate Churches to lay Farmers, *p.* 19. which is more unlawfull.

9. They thought good, *Vt in ſingulis Eccleſijs, ubi parochia eſt diffuſa, duo ſint vel tres presbyteri:* That in great parishes there should be two or three presbyters. But theſe allow two or three parishes to one Preſbyter. *p.* 18.

10. This Councell prohibiteth, *Ne Clerici iuriſdictiones exerceant ſeculares, &c.* That Cleargy-men exerciſe not ſecular iuriſdictions, eſpecially to the which the iudgement of bloud is annexed, and not to bee preſent

preſent where the iudgement of bloud is handled. But now it is an uſuall thing with our brethren, not onely to be preſent, but to ſit as aſſiſtants to the Iudge in matters of life and death.

Thus was it decreed in thoſe ſuperſtitious times: It may ſeeme ſtrange that any profeſſing purity of religion should come short of them in thoſe duties; for *our righteouſneſſe should exceed the righteouſneſſe of the Scribes and Phariſees.* And as *Origen* well ſaith, *Movenda ſunt caſtra cum Iſraelitis, urgenda eſt perfectio.* Our brethren should haue runne before their blinde predeceſſors in pious proceedings, not bee caſt behinde them: to haue moved their tents forward to *Canaan*, not to haue looked backe to the corruptions of Ægypt. *Math. 5. Homil. 5. Exod.*

Beſide as our brethren haue thus failed in the matter, ſo they haue been much overſeen in the manner of

of handling. They haue burdened the Petitioners, and others, with many untrue accuſations, laying to their charge, *lewd, abſurd, falſe ſuggeſtions, clamorous libels, defamatory ſupplications*, p. 5. We are further accuſed to be *Schiſmatikes*, p. 5. *Puritans, reſembled to Papiſts*, Epiſt. p. 9. *Diſlikers of ſet and ſtinted prayers, refuſers, condemners of the Lords prayer, ſuch as from whom* Barrow *and* Greenwood *tooke their beginning*, p. 11. *fauourers of thoſe which write againſt Princes titles*, p. 9. That ſome of us haue cauſed our *ſeruants to goe to plough and cart upon the feaſt day of Chriſts nativity*, p. 13. *Men accuſtomed to diſobedience*, p. 23. That we giue power to the Presbytery to excommunicate Kings: *that we giue the Prince, not* poteſtatem iuris, *but onely* facti, p. 29. We are alſo charged with *undue and diſhoneſt practiſe, in making petition*, Epiſt. p. 4. *With hypocriſie*, Anſ. p. 10. *With factious Sermons, ſcurrile Pamphlets,*

untrue impulations.

blets, ibid. *To haue the hands of* E-
au, Epi. p. 8. *The mouth of iniquity*, p.
1. *To bee Foxes*, Epiſt. p. 11. *Evill,*
malicious, ungrateſull men, p. 30. Nei-
ther haue our brethren ſtayd here,
but they haue taken upon them al-
ſo to cenſure others: ſome they call
buſie headed ſtrangers, imputing un-
to them the *want of manners and diſ-*
cretion, to take upon them in a ſtate
wherein they haue nothing to doe, in
which words they ſeeme to meane
ſome who should not be in our o-
pinion counted ſtrangers, ſeeing we
are all under one God and King.

Now may it pleaſe your Maieſty,
what could we doe leſſe, then being
thus uniuſtly accuſed, by a modeſt
and true defence, to deliver our
ſelues and our brethren from theſe
imputations, being not ſecretly ſur-
miſed, but publickly, and that in
writing; yea and in your Majeſties
eares ſuggeſted. We doubt not but
your Maieſty wil grant us equal hea-

ring

Act. 26. 1 ſing, as King *Agrippa* ſayd to *Paul: thou art permitted to ſpeake for thy ſelf.* Wee preſſe not to offend them but being provoked defend our ſelues, as *Hierom* ſaieth: *Vulneratus nequaquam contra perſecutorem tela divexi, ſed meo animum vulneri admovi manum.*

ad Ruffin:

4. obſervat. Laſtly, wee note our brethrens overſight in their manner of proceeding in publique impugning what was ſecretly intended, and in proclaiming to the world that which only we preſented to your Maieſty. And whereas our brethren ſuggeſt, *that ſoone after* (this our petition and motion being made) *were ſent forth into all quarters of the Realme ſtore of the ſayd pretended Petitions.* It is true may is pleaſe your Maieſty, that no copies of the ſayd petition were delivered to any beſide our ſelues, (excepting that only which was exhibited to your Maieſty) ſince which time no copies at all were diſperſed into any quarters of the realme,

Epiſt: p. 3.

much

much leſſe into all: neyther before were any hands required to it, but only conſent. So that notwithſtanding theſe pretenſes *our brerhren* are found to bee *troublers of the ſtate*, not the petitioners, and to haue blowne the coales, and kindled the flames, which wee goe about to quench.

Wherefore wee humbly deſyre your Maieſtie, that it bee not imputed to vs as a preſumptuous part to anſwer for our ſelues being prouoked, neyther preiudiciall to the conference determined: wee may verily ſay with *Hierome, ſi ſuperbum ſit reſpondiſſe, multo ſit ſuperbius accuſaſſe. If it be a proud thing modeſtly to anſwer, much more inſolently to accuſe.* Ad Theoph.

Beſyde, as is our Brethrens cauſe, ſuch are theyr proofes: they haue inmayntenãce of theyr faſies throughout theyr boke alledged, but one text of ſcripture for any matter in queſtion betweene vs, which are about the number of thirty ſeueral points, *The Cenſurers ſparing in their proofs out of Scripture.*

ſo that wee may ſay vnto them in *Auguſtines* words: *Qui diuina teſtimonia non ſequuntur pondus humani teſtimonij perdiderunt. They which follow not the diuine teſtimony, haue loſt the credit of their owne.*

Now we humbly commend the innocency of our ſelues, and the goodneſſe of our cauſe to your Maieſties Chriſtian iudgement: we ſue for nothing but wherein Gods word doth beare us out, whereof your Maieſty hath given us hope, and for the which we doubt not but to anſwer for our ſelues in the preſence of God. We truſt that God hath raiſed your Maieſty up as another *Da-*
Pſal. 73. 3. *vid, to ſettle the pillars of the earth that were ſhaken*: and as the Prophet
Eſay 58. 6. ſayth, *to take off the heavy burthens*, burthenous ceremonies, burthenous cenſures, burthenous abuſes, which many haue a long time groned vnder. *Auguſtine* to this purpoſe ſayth well, handling theſe words of the

Pſalme

Pſalme, *They haue ploughed upon my back: Aſcende in dorſum meum portare te habeo, &c. Nunquid ſemper ſuper dorſum meum eris: veniet tandem qui te inde excutiet.* And he is now come wee truſt which ſhall breake theſe yokes: and God we are perſwaded will inable your Maieſty to do that which ſhall bee acceptable to himſelfe, profitable to his Church, comfortable to your own ſoule, that we may all ſalute your Maieſty with the ſalutation of the Church of *David, the Lord grant thee according to thine heart, and fulfill all thy purpoſe, that we may reioyce in thy ſalvation, & ſet up our banner in the houſe of God, when the Lord ſhall performe all thy petitions*, that we may all triumphātly ſay of your Maieſty, as *Ambroſe* of the good Emperour *Theodoſius*: *Iacobi regis fides noſtra victoria.*

In Pſa. 128.

Pſa. 20. 4. 5

Ambr. Theodoſij fides.

Your Maieſties moſt faithfull ſubiects,

The humble Petitioners, the Miniſters and Preachers that deſire reformation according to the Word of God.

11 Christian liberty main
12 Offences remoued.
13 The elect conuerted.
14 The truth cleared.
15 Gods blessing on their
stand them.
16 Gods holy name glori
17 Pleasing the godly, g
18 Confidence and glad
day.

THE

The better part di

1 God neuer planted, nor h
2 Christ hath freed us fro
3 Holy Apostles neuer tau
4 Christian Churches re
them.
5 Word of God condemn
6 Purest Writers conclude
7 Godly Martyres suffered
8 The godly zealous Exil
9 The most Reuetend

52

THE ANATOMY OF THE CONTROVERSED CEREMONIES OF THE CHVRCH OF ENGLAND, BEEING *considered in their Nature and Circumstances.*

By *Iohn Sprint* Minister of *Thornby* in GLOCESTERSHIRE.

- 1 Beginning
  - 1 Blinde zeale and superstition, as the Fountaine.
  - 2 Tradition, as the streame and Channell.
  - 3 Popish Masse-booke, as the puddle.
- 2 End.
  - 1 Of inventing
    - 1 To please Iew and Gentile by a perverse imitation.
    - 2 To paint Gods Worship with a needlesse adornation.
  - 2 Of maintaining
    - 1 To claw and curry favour vvith Papists, Atheists, &c.
    - 2 Vo uphold our Church corruptions,
      - 1 *Lordly Prelacie.*
      - 2 *Non-residency.*
      - 3 Dumbe Ministery.
    - 3 To snare the faithfull professor.
    - 4 To nourish the carnall Gospeller.
    - 5 To thrust out the faithfull Teacher.
    - 6 To keepe out Christs Discipline.
- 3 Persons
  - 1 For them.
    - 1 Ordaining
      - 1 Sathan inspired them.
      - 2 Man invented them.
      - 3 Fathers by tradition delivered them.
    - 2 Commanding and enforcing them.
      - 1 The Beast.
        - 1 Antichrist.
        - 2 His Bishops.
      - 2 Man.
        - 1 The Magistrate abused.
        - 2 Lordly Prelates abusing.
    - 3 Defending
      - 1 Popish Champions.
      - 2 Dignified Chaplins, *alias* Chop-livings.
      - 3 Covetous Chancellors.
      - 4 Ambitious Pluralists.
      - 5 Symonaicall Patrons, *alias* Latrons.
    - 4 Approving.
      - 1 Impious Atheists.
      - 2 Ignorant Papists.
      - 3 Dumbe Homilists.
      - 4 Temporizing Statists.
      - 5 Povvling Registers.
      - 6 Provvling Paritors.
      - 7 Prating Proctors.
      - 8 All prophane livers.
  - 2 Against them
    - 1 Refusing the most faithfull, painfull, blessed
      - 1 Pastors.
      - 2 Exiles.
      - 3 Martyrs.
    - 2 Disliking the most zealous and godly people of all sorts.
    - 3 Disproving the most sincere & learned, forraine & English
      - 1 Writers.
      - 2 Preachers.
    - 4 Rejecting the purest and best reformed Churches.
- 4 Matter
  - 1 Negatiue: No ordinances or commandements of God.
  - 2 Affirmatiue.
    - 1 Mans
      - 1 Inventions.
      - 2 Precepts.
      - 3 Traditions.
    - 2 Antichrists
      - 1 Idols.
      - 2 Will-vvorships.
      - 3 Reliques.

5 Manner

- 5. Manner of urging & maintaining
  - 1 Reasoning
    - 1 Cavilling.
    - 2 Railing.
    - 3 Slandering.
    - 4 Stirring up the Magistrate
      - 1 Against the Innocent.
      - 2 Against their Brethren,
  - 2 Censuring
    - 1 Suspending.
    - 2 Excommunicating
      - 1 For a trifle.
      - 2 For things good.
      - 3 *Ipsofacto.*
    - 3 Deposing, depriving, degrading of
      - 1 Law.
      - 2 Living.
      - 3 Ministery.
- 6 Qualitie
  - 1 Needlesse and superfluous; because
    - 1 Added to Gods perfect Ordinances.
    - 2 Gods Church & worship may be without them.
    - 3 Not required of God, nor having any speciall or generall ground out of the Word.
  - 2 Vnprofitable; because they
    - 1 Edifie not Men.
    - 2 Glorifie not God.
    - 3 Serue not in the Church
      - 1 For Order.
      - 2 For decencie.
  - 3 Hurtfull unto the
    - 1 Weake, by offence.
    - 2 Ignorant, by superstition.
    - 3 Popish, by Idolatry.
    - 4 Brethren, by dissention.
    - 5 Godly, by
      - 1 Inward griefe.
      - 2 Outward persecution.
    - 6 Schismatickes, by separation.

    } Occasioned.
  - 4 Wicked against the 2d. commandement,
    - 1 In disgracing the Sacraments, & Worship of God.
    - 2 In being defiled with superstion and Idolatry.
    - 3 In being the monuments of Idolatry.
    - 4 In being Will-worships.
    - 5 In bringing into Gods Worship the manner of
      - 1 Iewes.
      - 2 Gentiles.
      - 3 Hereticks
      - 4 Papists.
    - 6 In being symbolicall or signifying holy signes of mans invention.
- 7 Effect.
  - 1 In the persons for them
    - 1 Prescribers and maintainers.
      - 1 Privation, or abolishing of *good*: namely of—
        - 1 Of Christian liberty to bind the conscicnce
          - 1 Where God hath not tied.
          - 2 Where Christ hath freed.
          - 3 Vnder the same censures are greater penalty aud strictnes then the breach of Gods commandements.
          - 4 Not to do that
            - 1 Which is agreeing to the Word.
            - 2 Wch *God* cōmāds
        - 2 Exercises of Religion, Gods own ordinances
          - 1 Preaching.
          - 2 Prophesying.
          - 3 Fasting.
          - 4 Dispossessing.
        - 3 Quiet and peace of the Church.
        - 4 People robbed of their Pastors.
        - 5 Painfull Pastors of their maintenance.
      - 2 Occasion of evill, of
        - 1 Sin,
          - 1 Abuse of censures in
            - 1 Suspending.
            - 2 Excommunicating
              - 1 Vainly.
              - 2 Vniustly
              - 3 Vngodly
              - 4 *Ipso facto*
            - 3 Depriving
          - 2 Prophanation of
            - 1 Sabboth.
            - 2 Worship.
          - 3 Tyranny in Prelates.
          - 4 A soul-murdring ministry
            - 1 Dumbe.
            - 2 Non-resident
          - 5 Carnall liberty, Atheisme, & grosse ignorance in the people.
          - 6 Contempt of GODS
            - 1 Word.
            - 2 Ministery.
        - 2 Punishment: Iudgements certainly following these evils.
          - 1 Bodily.
          - 2 Spirituall.
    - 2 Vsers (*a*)
  - 2 In the persons against them (*b*)

(*a*) Vsers

- (a) Vsers
  - 1 For loue.
    - 1 A Cloke of their
      - 1 Ignorance.
      - 2 Slothfulneſſe.
      - 3 Fleshlineſſe.
      - 4 Couetouſneſſe.
      - 5 Falſe and corrupt Doctrine.
      - 6 Scandalous life.
    - 2 A ſpur and ſword unto their
      - 1 Envy and Malice.
      - 2 Railing, diſgracing and perſecuting of their brethren.
  - 2 For feare.
    - 1 By preſent practiſe
      - 1 Deſtroying former doctrine.
      - 2 Shutting up the mouth againſt corruptions.
      - 3 Quenching their zeale.
      - 4 Wounding their conſcience.
      - 5 Reioycing the enemies of the truth.
      - 6 Grieving the friends of the truth.
      - 7 Eſtranged frō the better part.
      - 8 Linked to the worſer part, in
        - 1 Affection.
        - 2 Practiſe.
        - 3 Fellowſhip & cōpany.
      - 9 Confirming and countenacing *the Prelates in their* ungodly and tyrannous proceedings.
      - 10 Alluring & occaſioning others to fall by their example.
    - 2 By preparatiō unto
      - 1 Subſcription unlimited and *ex animo* to that which all good Chriſtians conſciences do *ex animo* abhorre.
      - 2 To plead for the great corruption of
        - 1 Lordly Domination.
        - 2 Dumbe Miniſtery.
        - 3 Non-reſidency.
      - 3 To practiſe, favour, and maintaine them.
      - 4 To oppoſe and perſecute
        - 1 The cauſe of God.
        - 2 Their innocent & godly brethren.

- (b) In perſons againſt them
  - 1 Refuſing
    - 1 God is glorified.
    - 2 The truth is iuſtified.
    - 3 The godly edified and ſtrengthned.
    - 4 The adverſaries mouthes ſtopped.
    - 5 The ignorant provoked to ſearch and finde the truth.
    - 6 Themſelues haue
      - 1 Peace of conſcience.
      - 2 Triall of patience.
      - 3 Note of faithfulneſſe.
      - 4 Ioy in ſuffering.
      - 5 Increaſe of zeale.
      - 6 Hope of glory.
  - 2 Removing
    - 1 Evill falleth
      - 1 Corruptions in
        - 1 Doctrine.
        - 2 Miniſtery.
        - 3 Government.
        - } Of the Church.
      - 2 Scandall to the
        - 1 Godly.
        - 2 Weake.
        - 3 Wicked.
      - 3 Prophanation in
        - 1 Sacraments.
        - 2 Worship.
        - 3 Sabboth.
      - 4 Papiſtry, Atheiſme, open wickedneſſe.
    - 2 Good flouriſheth
      - 1 *Increaſe of faithfull Paſtors.*
      - 2 Increaſe of godlineſſe in the people.
      - 3 Purity of
        - 1 Doctrine.
        - 2 Worship.
      - 4 Peace, loue, and decent order in the Church.
      - 5 Cōformity with the
        - 1. Word.
        - 2 Beſt reformed Churches
      - 6 Gods bleſſing on
        - 1 Church
        - 2 Whole land.

BELLVM CEREMONIALE.

THE CEREMONIALL BATTELL.

Behold the Leaders and the Souldiers.

The better part disclaimes them.

1 God neuer planted, nor his spirit inspired them.
2 Christ hath freed us from them.
3 Holy Apostles neuer taught, nor practised them.
4 Christian Churches reformed haue abolished them.
5 Word of God condemnes them.
6 Purest Writers conclude against them,
7 Godly Martyres suffered for them.
8 The godly zealous Exiles vvithstood them,
9 The most Reuetend Bishops vvisht them moued to further the Gospell.
10 Our soundest Doctors taught against them.
11 Our faithfull and vnreproued Pastors refuse them.
12 All sincere Professors are offended at them, and detest them.

The worser sort retaines them.

1 Sathan inspired them, Man invented them.
2 Antichrist enthrales us vvith them.
3 Romish Apostates euer taught & practised them.
4 Antichristian Romish church deformed retaines them.
5 Masse booke justifieth them.
6 Popish vvriters patronise them.
7 Vngodly Bishops persecute for them.
8 Carnall contentious Exiles stood for them.
9 The most tyrannous proud Prelates suppresseth the Gospel for them.
10 Our popish Rabbins & corrupt Statists plead for them.
11 All scandalous Non-residents, Non-preaching Ministers use them.
12 All popish carnall & vvicked haters of God rejoyce in them.

The Weapons.

1 Offending svvord of the Spirit.
2 Defending shield of
  1 Faith.
  2 Patience.

1 Offending
  1 Svvord 2 edges
    1 Railing, slandering.
    2 persecuting, imprisoning.
  2 Cannon
    1 Excommunicating.
    2 Suspending.
    3 depriving of
      Living
      Lavv.
    4 degrading or deposing
2 Defending by the buckler of authoritie——
  1 Fathers traditions.
  2 Mens precepts.

The Event of the Battell.

1 Humiliation in Gods sight.
2 Exercise of Christian patience.
3 Tryall of faithfullnesse.
4 Vnity of faith.
5 Increase of loue among themselues.
6 Godly zeale inflamed.
7 Conformity vvith Christ and the godly.
8 Peace of conscience.
9 Ioy in suffering.
10 Furtherance of the Gospell.
11 Christian liberty maintained.
12 Offences remoued.
13 The elect conuerted.
14 The truth cleared.
15 Gods blessing on their life & labors that vvithstand them.
16 Gods holy name glorified.
17 Pleasing the godly, greiuing the vvicked.
18 Confidence and gladnesse at the judgement day.

1 Encrease of pride before God and Man.
2 Practise of Antichristian crueltie.
3 Discovery of unfaithfulnesse.
4 Endlesse dissentions.
5 Increase of contentions among brethren.
6 Superstitious zeale occasioned.
7 Conformity vvith Antichrist and Worldlings.
8 Conscience accusing.
9 Terror in persecuting.
10 Hinderance of the Gospell.
11 Bondage enforced.
12 Offences given.
13 The vvicked hardened.
14 Papistry cloked.
15 Gods iudgments on the hand of them that maintaine them.
16 Gods holy name blasphemed.
17 Grieving the godly, pleasing the vvicked.
18 Confusion and trembling before the iudgement seat of God.

THE DEFENCE OF THE PETITION FOR REFORMATION.

The Reply to the generall censures.

CENSVRE. 1.

IT is inconvenient and unsufferable to permit a long and well-setled state of govervement to be so much as questioned.

Ans. First then, wherein the state is *well-settled*, we neither make question nor desire alteration: but where some wants and imperfections are found, which are indeed no parts of our state, but blemishes, it is neither inconvenient for your Maiestie, where you see cause to alter, nor unsufferable in us to make *question*. It is both honorable to your Maiestie to supply what is wanting, to restore what is decaying, to remoue what is offending; and we trust not disloyall in us to desire some things to be questioned, & conferred upon, which your Mty in your Christian policie seeth neither to be *inconvenient*

Rabbins & corrupt Statists plead for

ous Non-residents, Non-preaching
use them.
carnall & vvicked haters of God re-
them.

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  - 1 Railing, slandering.
  - 2 persecuting, imprisoning.
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nor *insufferable*. It is an honour for Princes to adde to their predeceſſors worke, as *Ioſua* did to *Moſes*, *Salomon* to *Davids*, *Nehemiah* to *Zorobabels*. Religion is perfected by degrees, and reformation can hardly be wrought in one age. *Ambroſe* ſaith well: *Non in principijs perfecta quæruntur: ſed à principijs ad ea quæ perfecta ſunt pervenitur. The perfection of things is not ſought in their beginnings; but men proceed from the beginnings to thoſe things which are perfect.* The Law Imperiall ſaith: *Qui ſubtiliter factum emendat, laudabilior eſt eo qui primus invenit. Hee that exactly bettereth that which is done, deſerues more commendation then he who firſt inuented it.* And as for your Maieſties poore ſubiects the Miniſters of the Goſpell, wee haue greater cauſe to thinke our ſelues happy that we may poure out our complaints into your Chriſtian boſome, then *Paul* did for that he was ſuffered to anſwer before king *Agrippa*; and we doubt not but that your princely eares are open to heare us for our ſelues, that would haue us heard for your ſelfe, as *Ambroſe* ſaith to *Theodoſius*: *Ipſe non audies eos, quos pro te audire velis. Will not you heare thoſe, whom you deſire may be heard for you.*

Religion perfected by degrees. Lib. 7. in Luc.

Cod. lib. 1. tit. 2. l. 1. Iuſtinian.

Acts 26. 3.

Ambroſ. epi. 29. ad Theodoſ.

2. Cenſ. *Auguſtine ſaith, The very change of cuſtome otherwiſe profitable, hurteth by innovation.*

Anſw.

Anſw. Neither ſhould cuſtome prevaile againſt truth, nor antiquity counterpoiſe the verity: Innovation is not to be feared where reformation is effected: for then neither Chriſts Goſpell ſhould haue taken place againſt the Iewes traditions, nor Chriſtianity againſt Paganiſme, or Proteſtancie againſt Poperie. *Auguſtine* ſaith well even in the ſame place, where he is alledged for cuſtome, *Aut propter fidem aut propter mores, vel emendari oportet quod perperam fiebat, vel inſtitui quod non fiebat. For faith and manners that may be amended, which was evill uſed, and that may be a new inſtituted, which was altogether omitted.* And *Ambroſe* anſwereth *Symmachus* well, that urged cuſtome for certain Pagan rites: *Nulla ætas ad perdiſcendū ſera eſt, erubeſcat ſeneſtus, quæ ſe emendare non poteſt: non annorum canities eſt laudāda, ſed morum: nullus pudor eſt, ad meliora tranſire. Old age ſhould not be aſhamed to amend, and it is no ſhame to change for the better.* *Cuſtome no rule of truth.*

3. Cenſ. *If the ceremonies were ſuperſtitious, with what conſcience did they ſubſcribe in reſpect of the times, &c?*

Anſ. 1. The Ceremonies which we deſire to be removed, as we iudge them not all to be alike ſuperſtitious, ſo neither do we hold them profitable or fit to be retainedbeing divers wayes ſcandalous, as ſhall afterward be ſhewed in particular. *Of ſubſcription.*

2. Some men by ſubſcription did beare them as tollerable in their opinion for the time, not as condemnable in themſelues: And do our brethren aske with what conſcience they could doe this? Did not the Apoſtles ſubſcribe in their Epiſtle for the retaining of the Iewiſh rites of abſtaining from ſtrangled & bloud, not thereby ſimply giving them approbation, but yeelding toleration for a time. As *Auguſtine* doth fitly reſemble it: *Sicut defuncta corpora neceſſariorum officijs deducenda erant, quomodo ad ſepulturam, &c. As the bodies of the dead muſt haue a time to be brought after a ſeemly manner to the graue, and not to be ſtraight wayes forſaken, &c.* ſo they which deſired the peace of the Church, and were loath to depriue the ſame of their labours, did thinke they might by their ſubſcription and tolleration beare theſe ceremonies for a time, as the Apoſtles did the Iewiſh, though the caſe be not altogether alike, the one being legall rites, the other humane inventions, yet neither apparantly impious, the time and other circumſtances conſidered.

3. And yet divers which ſue for reformation, did refuſe at all to thruſt their neckes under this yoake of ſubſcription. But how little the ſubſcription of ſome maketh for the allowance of theſe offenſiue ceremonies, ſhall further appeare in the defence of the preface, *Art.* 6.

4. Cent.

4. Cenſ. *If they be indifferent, &c. then the Magiſtrate may command, and We muſt obey. Where is then their pretended obedience? &c.*

Anſw. Concerning the indifferencie of theſe ceremonies: 1. It will bee hard to ſhew that they are all indifferent. *Auguſtine* hath this rule of things indifferent: *Quod neq; contra fidem neq; bonos mores iniungitur, indifferenter eſt habendum. That Which is not enioyned againſt Faith and maners, muſt be held as indifferent.* Such Ceremonies then as haue no warrant in the word, and ſo againſt faith, (as the *Croſſe in Baptiſme*: and are offenſiue to the brethren, and ſo againſt charity (as the *Surplice*) how can they be ſayd to be indifferent. 2. VVere they indifferent in their owne nature, yet the ſcandall that is given to the Church of God doth take away the indifferent uſe of them. As S. *Paul* ſaith, he would not eate fleſh while the world ſtandeth, if it offend his brethren: and it is no ſmall danger to wound the conſcience of the brethren: the Apoſtle ſaith, *they ſinne againſt Chriſt.* 3. And if theſe ceremonies were indifferent in their owne nature; yet to him that cannot be ſo perſwaded, they are not indifferent: *For Whatſoever is not of faith*, that is, of a full reſolutiõ without doubting, *is ſin.* For this were as *Ambroſe* ſaith, to be *ſtrenuum operibus, affectu infidum. To bee ſtong in*

Some Ceremonies urged not indifferent.

Epiſt. 118. c. 8.

1. Cor. 8. 13

Rom. 14. 23.

action, and unstable in affection. VVherefore if either these ceremonies be not at all indifferent in their owne constitution, or not so in the perswasion of the heart: it is no *disobedience* to forbeare and refuse though they are commanded: for the Apostles resolution is to be followed, to *obey God rather.* The Magistrate must not be resisted, and yet that which is against the conscience, may without disloyaltie be refused, as *Ambrose* excellently resolveth, *Volens nunquam ius deseram, coactus repugnare non novi, potero flere, potero gemere. I will never willingly forsake that which is right, I cannot resist though provoked: this I can do, even to weep and waile.* Lastly, seeing these ceremonies are confessed by our brethren to be indifferent, then is it in your Maiesties power to take them out of the way.

Act. 4. 19.

Orat. in Auxentium.

Then seeing the removing of these ceremonies wil be no offence of conscience to those that hold them indifferent, and yet the retaining of them wil grieue the consciences of many good Christiãs that take them not to be such: we humbly beseech your excellent Maiesty to take away these occasions of stumbling; and we doubt not but your Maiesty is resolved with the Apostles, to lay upon your people no other burdens beside necessarie things, Act. 15. 28. Like to *Theodosius* the Emperour, of whom *Ambrose* saith, *Malluit sibi homi-*

mine

mines religione, quam metu conſtringere, in obit. *Theodoſ. Hee had rather binde men unto him by religion then by feare.*

Poſitiue abuſes.

5. Cenſ. *Theſe men ſhould not be ſuffered to calumniate the State Wherein there is nothing poſitiue worthy of blame.*

Vntruth 1. wee do not calumniate the State.

Anſw. As touching the abuſes in the Church, ſome of them are in the very cõſtitution, as of Non-reſidents, pluralities, dumb miniſters, faculties, excõmunication by Chancellors Officials, and ſuch like, as ſhall afterward appeare in particular. VVere there nothing herein *poſitiue that is Worthy of blame*, happy were this Church, and twice happy ſhall your Maieſty be to procure it to be ſuch: neither is this to *calumniate the ſtate* to complaine that the Church of Chriſt is peſtered with ſome uſages and offices begunne under Antichriſt, of the which we are bould to pronounce with our Saviour, *every plant Which my heavenly Father hath not planted, ſhall bee rooted up*: and according to the rule of the Law: *Abſurdum eſt ipſa origine rei ſublata, eius imaginem relinqui. It is abſurd that the thing it ſelfe being taken away, the image thereof ſhould bee ſtill remaining.* Seeing then popiſh doctrine, as the roote and originall is aboliſhed, all papall platformes, as the ſhadow ſhould vaniſh.

Vntruth 2. There are many things poſitiue in the church worthy of blame.

Math. 15. 13.

Cod: lib. 7. tit. 6. leg. 1. Iuſtine.

6. Cenſ. *No Church in Chriſtendome is*

Vntruth: 3.

Many reformed churches goe beyond vs for discipline.

able ſo much to iuſtifie their abuſes, as this of ours, Which are not ſo heynous as deſerue their bitter reprehenſion.

Anſw. Beſide alſo many abuſes there are in the execution of Eccleſiaſticall lawes and orders (as ſhall afterward appeare) 1. VVhich we heartily wiſh did no more abound in this Church, then in ſome other reformed churches, whoſe example herein we deſire to bee followed according to the word of God. 2. VVhat if no Church can iuſtifie all the corruptions & abuſes crept in: Yet everie Church ought to preſſe foreward unto perfection, & to follow the Apoſtles rule: *to forget that Which is behind* (not to pleaſe our ſelues in our imperfect ſtate) *and to endevour to that Which is before, and to follow hard toward the marke.* 3. Neither had our brethren of *Oxford* cauſe to obiect that the Petitioners *Maske under an unknown generality*, ſeeing they themſelues expreſſe not their names, nor remoue the vaile from thier faces: and as for us, we conceale not our names as aſhamed of the cauſe, but wee forbeare, becauſe it is your Maieſties pleaſure we ſhould not gather hands to our petition: but as *Ambroſe* ſaith to the Emperour *tolle legem & fiat certamen: Take away the law, and let the tryall be made upon even tearme.* So when it ſhall pleaſe your Maieſtie, the conſent and number of the Miniſters and others deſiring reformation,

Philip. 3. 13.

will

will ſoone appeare, VVe are able to ſhew that theſe abuſes are not onely worthy of reprehenſion (which in our petition is done without bitternes according to the Apoſtles rule, *inſtructing them with meeknes that are contrarie minded*) but of alteration; not onely fit to be repoved, but for ever removed: we are now to declare the one, and we truſt your Maieſtie in good time will determine the other: and we doubt not, but that you are reſolued with the Emperour *Iuſtinian: omnia quæ pro honore ſanctæ Eccleſiæ ad Dei placitum fieri properamus, legibus conſtituere & operibus adimplere deſideramus: all things which may bee for the good of the Church by your lawes to will, and in your workes to fulfill.*

2. Tim. 2. 25.

Cod. lib. tit. 6. leg. 42.

The defenſe of the Preface.

1. *Obiect. They fauour them too much that were wont to ſubiect all kings Titles to popular election, &c.*

Vntruth: 4. Princes titles.

Anſw. How they which now ſue for reformation were before affected to your Maieſties title, we appeale to your princely knowledge: and who they were that did ſhew themſelues moſt earneſt to haue had the ſame in *Queen Elizabeths* time declared, is well knowen. Our brethren are then to blame, to draw thoſe into ſuſpicio which will not giue place to any of themſelues in zealous and loyall affection: And what if ſome otherwiſe of good parts haue

Wee doe not therein fauor them.

written

written undutifully of Princes titles, doe wee iuſtifie or favour them therein? Vniverſitie men brought up in the ſchooles might remember that from *ſecundum quid* to *ſimpliciter* the argument followeth not, that becauſe we like them in ſome things we ſhould approue them in all. VVe ſay with *Hierome*: *non conſuevi eorum inſultare erroribus, quorum miror ingenia.*

Pammach. & Ocean.

Vntruth 5. We diſturbe not the ſtate.

2. Obiect. *The petitioners by ſeeking this, and the like dangerous alterations do diſturbe the ſtate, &c.*

Anſw. Flatterers are the diſturbers of the ſtate, not they which deſire things amiſſe to be amended: But this hath been alwayes the reward of the ſervants of Chriſt, that duly ſought for redreſſe, to be counted troubleſome and buſie bodies, according to the ſaying of the Apoſtle: *am I become your enemie becauſe I tell you the truth?* to the which anſwereth that common ſaying: *Obſequium amicos, veritas odium parit: flattery maketh friends, and verity maketh foes.* The Prophets did not diſquiet the ſtate of Iſrael, but they which cried peace, peace, ſowing pollowes under mens elbowes, and flattering them in their ſinnes, ſaying *all is well.* If other men were as willing to bee reformed as ſome deſire the Magiſtrate ſhould reforme, there need to bee no diſturbance at all: It is good to haue peace, and follow loue, but as the Apoſtle ſaith ἀληθεία, *in the trueth*: then

Gal: 4.16.

Ezech. 13.

then ſhall we reſt quietly, when we ſleepe not upon mens pillowes, but in Chriſts armes: as *Origen* wel noteth on theſe words *Cant. 26. his left hand is under my head: noli conſuere cervicalio vel aliunde capiti requiem quærere, habe ſponſi lævam ſub capite. Sew not pillowes to thine head, nor ſeek reſt unto it elſwhere, get the left hand of the bridegrom put under it.* Homil: 2 in Cantic.

3. Obiect. *Howſoever in words they decline the imputation of factious men, &c. it is well knowen in this kingdom and that of Scotland what manner of men they be.* Vntruth: 6. Wee meane as wee write.

Anſw. We meane as we ſay, we wiſh not the diſſolution of the ſtate Eccleſiaſticall: wee would haue Epiſcopall labours ioyned with Epiſcopall honor, that they would doe their duty and haue their duty, as the rule in law is: *rationi convenit vt ſuccedat in onere, qui ſubſtituitur in honore*: that they encroach not upon other mens callings, but that *they may be chayned with ſuch bondes, as may preſerue that eſtate from creeping to corruption.* If any in *Scotland* haue beene to forward, wee excuſe them not: yet that whole Church is not to be blamed for ſome mans fault: wherein are many reverend, learned and godly paſtors, as his maieſty hath giuen a princely teſtimony of them, *that there is preſently a ſufficient number of good men of the miniſtery in this kingdome.* Other mens overſightes wee iuſtifie not, neither Reg: iur. 76 Canon. p. 40 Pref: to Canon.

neither will anſwer for their errings, if any haue vnduely in their vndiſcreete zeale ſought for reformation wee prayſe them not: neither ought it to be a preiudice to moderate proceedings. As in our enemies wee condemne not that is good, ſo neither in our freinds commend wee that which is euill: as he well ſayth: *nec bonis aduerſariorum (ſi quid honeſtum habuerint) detrahendum eſt, nec amicorum laudanda ſunt vitia.*

Hierom: Pammach: & Ocean.

4. *Obiect: Thoſe men might haue better performed their obedience to God, &c: what are theſe men they ſhould aſſume ſo much?*

Iuſt cõplaints not diſloyall.

Anſw. 1. wee haue *aſſumed* nothing which becommeth not good ſubiects, to lay open our complaynts to our gracious Soveraigne, as the members ſend vp their greifes to the head. 2. Neither doe wee ſeeke to abuſe the Clergie, but to honor them, when wee deſire they might in everie congregation ſhine as lampes both in life and doctrine. 3. VVhat greater *obedience to God* then to bee found faithfull? what better ſervice to his Maieſty then to acquaint him with the wants of that body, wherof he is the head? what truer loue to the Church then to deſire her perfection? 4. VVee truſt his Maieſty counteth it no trouble to heare his honeſt ſubiects complaynts, as by his owne princely words wee are incouraged, *weary not to heare the complaints of the oppreſſed*

Carol. 52.

ut

aut ne Rex ſis. Preachers and miniſters that hnmblie ſue for redreſſe, trouble not the Church but idle *non reſidents, dumb miniſters, couetous pluraliſts* are the men which are ſetled in their dregges, and will not haue their ſowre lees drawne forth. As for vs wee bleſſe God for our externall peace, and heartily deſyre the true internall peace: that we may be all according to the Apoſtles rule ἀληθεύοντες ἐν ἀγάπῃ, *following the truth in loue, and louinge in the truth*, and ſo we ſay with *Hierome*, vnto our brethren that ſeeme to ſtand ſo much upon peace and quietneſſe: *nihil grande eſt voce pacem prætendere, & opere deſtruere; &c. it is nothing to pretend peace in word, and deſtroy it indeed.* VVee alſo would peace, and we wiſh not onely but entreat peace, the peace of Chriſt, true peace: *pacem quæ not ut adverſarios ſubjiciat, ſed ut amicos iungat, ſuch peace which may not ſubdue us as enemies, but ioyn us as friends.*

Eph. 4. 15. ad. Theoph.

5. Obiect, *They muſt prooue that thoſe are the peccant humours of the Church, which in truth is the leaſt peccant of any other, &c.*

Vntruth 7. *These are the peccant humors.*

Anſ. 1, If theſe & ſuch like be not the *peccant humors* in the body of the *Church*, there are none at all: thus theſe men ſeem to come neerer to the Puritans & Catharists, then thoſe (whom they in their anſwer haue traduced) that acknowledge all thing

Who come neereſt the Catharſis.

things pure in the Church, and no thing amiſſe, how farre are they from redreſſing that are ſo farre of from confeſsing their wants? *Ambroſe* well ſaith *ſenſus vulneris eſt ſenſus vitæ the ſenſe of griefe is the ſenſe of life.* 2. VVe wiſh even in our hearts, it were as they ſay, that *our Church were leaſt peccant in the world, then ſhould we haue no contention about humane rites,* Non-reſidents, dumbe miniſters, Commendams, faculties, abuſe of Excommunication, and ſuch like, which are ſtrange in other reformed Churches. 3. Reverend Biſhop *Iewel*, where he ſaith; *We are come as neere as poſſibly we could to the Church of the Apoſtles*: neither meaneth the abuſes and peccant humors of our Church, which he would never haue iuſtified, nor yet all the ceremonies, for elſe were he alledgeth out of *Valafridius Abbas* that in the beginning the cõmunion was miniſtred without any difference of apparrell, and ſheweth that it was ſo in *Hieroms* time: defence *Apol.* 401. Neither yet doth hee meane that the diſcipline of the Primitiue Church is exactly reſtored, for the booke it ſelfe confeſſeth, that the godly diſcipline of the Primitiue Church is now wanting, and beſides hee ſheweth in this place, wherein the Church of *England* is departed from the Church of *Rome*, which is not in the adminiſtration of diſcipline receiued from them:

How we are come neere the Apoſtles.

In the communion.

them: and elſe where he reproveth *Harding* for ſaying *Chriſt and his Apoſtles never ruled the Church in better order then it is now ruled by the Pope & his Cardinals*. Our brethren ſay as much in effect, that it is ruled as well by Biſhops. VVherefore his meaning muſt needes be, that in doctrine and in the ſubſtance of the Sacraments we are come neere it, and for the reſt, as neere as poſſibly we could, that is, as the times would permit and ſuffer. And we deſire our brethren to tell us in good ſooth whether in the Primitiue Church of the Apoſtles, the croſſe in Baptiſme, the ſurplice in the Communion were uſed, whether they read of any Chancellours, officials, &c. Non-reſidents, dumbe Miniſters in thoſe times? It is all we deſire that the diſcipline of our Church may be reduced to the forme of the Apoſtles government. Laſtly, haue our brethren no more chariry, then to wiſh that the petitioners (whom they untruely call *unquiet and mal-contended humors*) were purged out of the land: If they proceed on in ſuch wiſhes they will giue us cauſe to complaine, as *Hierome* doth of an uncharitable adverſarie of his: *talibus inſtitutus es diſciplinis, ut cui reſpondere non poteris, caput auferas, & linguam quæ tacere non poteſt ſeces. You haue learned, that Whom you cannot anſwer, his head you would chop off, and cut out the tongue that you cannot ſilence.*

Defenc. apol. 41.

Apol. 3. adverſ. Ruf.

lence: but we wish better unto them with the Apostle: *if yee bee otherwise minded that God would reveale it unto you, in his good time.*

Of subscription upon protestation. &c.

6 Obiect. *To subscribe to that in respect of the times which in it selfe is unlawfull proveth little lesse then hypocrisie. &c.*

Answ. In these petitioners which subscribed to the booke (in which terme is no disdaine at all) there was neither dishonesty nor hypocrisie so to doe. although they simply allow it not. 1. They subscribed with protestation, some with condition, other some upon expositions giuen them, which is no *meere falsity*, but a cleere verity, as some of our Bishops and their Registers do know, and some of the subscribers are able to shew. But *this argueth no sincerity* (say our brethren;) What would they then haue said of Reverend *Cranmer* who was sworne to the Pope upon protestation, acknowledging his authority no further then it *agreed with the expresse word of God*: Or what would our brethren haue thought of *Zanchius*, that with some exceptions and interpretations subscribed to certaine *Lutheran* points of doctrine, who aledgeth the iudgmēt of *Calvin* in the same matter to *Gulielmus Holbracchus*, likewise urged by the *Lutherans* to subscribe *præcisè*, *ut recuses non cōsulo, &c. nunc ergo exceptiones interponere necesse est, quæ te molestia liberēt.*

Iew. p. 118.

Zanch. Miscel. p. 35.

I

I giue not counsell preciſely to refuſe, &c. but to put in exceptions which may eaſe you of trouble? Hereupon *Zanchius* ſaith *ſe ſincero pacis & concordiæ ſtudio adductum ſubſcripſiſſe*: *that hee ſubſcribed beeing thereunto moved of a ſincere deſire of peace.* But the ſubſcribers caſe is far more equall and reaſonable, who upon *proteſtation* expoſitions, &c. ſubſcribed not to ſuſpicious doctrines, but to certain ſuperfluous rites. 2. Becauſe they were loath to deprive the Church of their labours, and forſake their flockes, for theſe matters, which are though inconvenient, yet not of the ſubſtance of Religion: and hereunto agreeth the canon, *utilitatis intuitu quædam in Eccleſia tolerantur. Thorough the ſhew of profitableneſſe, ſome things are tollerated in the Church.* The Petitioners then ſubſcribing, did not therein allow theſe ceremonies as profitable, ſeeing the ſtate intended a greater perfection, howſoever it was hindred, as may appeare by the ſtatute ſet before the booke of Common prayer, the words are theſe, *Such ornaments, &c. of the Miniſters ſhal be retained, till other order ſhal be therein takē.* And the book it ſelfe in the *Cōmination* aimeth at the reſtoring of the Diſcipline of the prim. Church. 3. And herein by ſubſcription to tolerate things not apparantly impious for a time: But now there is no reaſon, that ſubſcription which was yeelded to the neceſſity

Supplic. ad Senat. Arg.

Caus. 1. q. 7.

Subſcription of ſome excuſed.

of time, ſhould either preiudice the ſubſcribers according to the Canon: *temporum neceſſitate perfecta, hac ratione ad veniam pertinere decernimus, quod geſtum eſt*: what the neceſſity of the time required, in reaſon ought to be pardoned: or hinder the reformation, according to the like Canon: *quod neceſſitas pro remedio reperit, &c.* that which neceſſitie found for a remedie when the neceſſity is removed, muſt ceaſe alſo that which is urged, for a due and orderly courſe is one thing, that which by uſurpation for the time is enforced, another. Laſtly ſome of the ſubſcribers are now of another iudgment and ſee more into the cauſe, then they did before, and doubt not to ſay with *Hierome*: *imitati eſtis errantem, imitamini correctam*: You haue followed him that erred, be you followers of him that hath corrected his error. And could wiſh that this *vinculum ſubſcriptionis*, as *Ambroſe* calleth it in another caſe, were diſſolved, as *Euſebius Vercellon*: cauſed *Dyoniſius* ſubſcription (but in an harder caſe) to bee razed out. Any of theſe reaſons will free the petitioners ſubſcribers from this uncharitable imputation of Hipocriſie, and diſhoneſty.

Caus. 2. q. 7. c. 23.

Caus. 2. q. 7. c. 7.

Vntruth. 8. We condemn factious Sermons, &c.

7. *Obiect*: *The Church of England had beene happy if it had not beene troubled with their factious ſermons, &c.*

Anſw: VVe miſlike factious Sermons, & ſcurrile pamphlets, as much as theſe *cenſu-*

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ters of *Oxford*: and ſome of their frends & favorits are not free from the imputation of both: The painfull labours of the miniſters petitioners in the Church of England both by preaching and writing are well knowne. And though the rule hath beene, *better no preachers, then ſuch as deſired reformation* (therfore miſcalled factious) yet this is our comfort to ſay with the Apoſtle: *in the declaration of the truth, Wee approue our ſelues to euerie mans conſcience in the ſight of God:* and herein wee ſay agayne with the ſame Apoſtle: *Wee paſſe very little to be iudged of you or of mans iudgment*: beeing ſory that you thus account of the freinds of the goſpell, as of enemies and cannot endure the lovers of the truth, which you profeſſe to loue. And ſo, as *Auguſtine* ſayth: *res multum dolenda & miranda contingit, &c. A ſtrange and heauy thing often falls out, that the man whome Wee take to bee vniuſt, and yet he is iuſt; louing in him iuſtice Which Wee know not wee hate: & hominem bonum tanquam malum affligamus: and afflict a good man as though he were evill.*

Painful Preachers not factious.

2. Cor. 4. 2.

1. Cor. 4. 3.

Tractat. in Ioan.

8. *Obiect: The number of more then a thouſand is but a vizard, &c.*

Anſw: The number of more then a thouſand is no vizard, as theirs is, that maſk vnder *the name of the heads of the vniverſity, yea of all the learned and obedient of the clergie*, as the title ſheweth, whereas we know

Vntr. 9.

It is not a vizard.

There are not ſo few godly Preachers that wiſh reformation.

know there are diuers hundred of learned, obedient, ſober, diſcreet preachers in the vniuerſities & other places of the Church that neyther like, nor allow their proceedings herein. As at the paſſing of that grace in *Cambridge*, whereof our brethren make mention in their epiſtle, there was not preſent the third part of the vniuerſity that gaue voyces, nor one Doctor of diuinity beſides the Vice Chancellor as we are credibly enformed. Let them firſt pull of their vizard and ſhew themſelues, they ſhould not obiect that to others which it ſeemeth they are aſhamed of, to profeſſe their names: Therefore wee may apply *Auguſtines* wordes againſt them: *conferamus de medio ſi placet iſta communia, &c. let us leaue theſe common matters, which may be ſaid of each ſide, though not truly of each ſide.* 2. How can that be a Chriſtian & cõmendable church governmẽt under *Chancellors, Officials, Cõmiſſaries, Regiſters, Proctors, Sumners,* which is the ſame in the forme nothing altered (the ſupremacy onely and dependancy of the Pope excepted) with that now uſed and practiſed in the Antichriſtian and papall ſinagogue. Therefore to this untrue aſſertion, wee returne no other but *Hieromes* anſwer: *Non neceſſe habet vinci, quod ſua ſtatim profeſſione falſum eſt. That needeth no refutation, which appeareth falſe in the very relation.* 3. The humble Petitioners

Lib. 1. cont. Iulian.

Ep. ad Ctepant.

titioners haue done nothing *malitiously, or iniuriously* we wish that they, which thus censure them, were as farre from both. *Hierome* could haue told them: *non facilis est venia prava dixisse de rectis. Pardon for speaking evill of that which is good, is not easily obtained.* Thus men for their conscience, and unfained loue unto the Church of Christ, are loaden with the reproach of sedition, presumption, dishonesty, hypocrisie, scurrility, malice, iniury, &c. A likely matter that such pleaders haue a good cause in hand, when they begin their plea with such intemperate and uncharitable stuffe: therein committing the same fault, which *Origen* obiecteth to his adversarie, *Philosophus iste cum nos instruere velit calumnatur &c. this Philosopher when he should instruct us raileth,* when in the beginning a wise Orator, should shew himselfe friendly toward his Auditors, And thus end their censures upon the preface.

Hierom. Aselle.

Lib. 7. cont. Cels.

THE DEFENCE OF THE FIRST PART OF THE PETITION concerning Church service.

1. *Against the Crosse in Baptisme.*

1. THE Sacraments are to be preſerved in that ſimplicity and pureneſſe, wherein Ieſus Chriſt hath left them to the Church: So *S. Paul* ſaith: *I haue receiued of the Lord that which I deliuered unto you.* S. *Paul* ſo great an Apoſtle innouated nothing, but delivered that onely which he had receiued: And this is the Lords own charge: *ye ſhall put nothing thereto nor take ought therfrom*: therefore *Cyprian* ſaith well: *neq; aliud fiat a nobis quam quod pro nobis dominus prior fecit. We may not do any other thing (in the miniſtration of the ſacraments) then the Lord himſelfe hath done before us.*

1. Cor. 11. 23.

Deut. 12. 32

Cyp. lib. 2. Epiſt. 3.

But Ieſus Chriſt commanded onely to baptize with water in the name of the Father & of the Son, & of the H. Ghoſt not to ſigne with the ſigne of the croſſe. Mat. 28. 19. The commiſſion is: *Go and baptiſe*, waſh with water. *And this the diſciples obſerved: here is water what doth let but that I may be baptiſed, and they went both into the water, & he baptiſed him.* Philip did no more. *Peter Martyr* is cleare for this. *The word and the water* (ſaith he) *make the ſacrament the other things, which were added after, came from the BB. who where too much addicted to ceremonies.* D. *Fulk* likewiſe ſpeaking of the ſigne of the croſſe, ſaith: *it can not be a conuenient memoriall of Chriſt, becauſe Chriſt commanded it not.*

Act. 8. 36. & 38.

Peter Martyr loc. com: 4. c. 9.

D. Fulke in Rhem. Teſt. Luk. 44. 50

Therefore the croſſe in baptiſme depar-

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ting from the ſimplicitie and plainneſſe of our Lord Ieſus inſtitutiō is to be reiected.

2. If the croſſe be ſuperſtitious and popiſh in the one ſacrament, then it cannot be convenient nor Chriſtian in the other, according to the rule *de ſimilibus ſimiliter iudicandum: In the like caſe, the like iudgement is to be paſſed*, which our Saviour Chriſt uſeth.

But in the ſacrament of the ſupper the croſſe was taken by the church of Eng. to be ſuperſtitious, and popiſh, and therefore extruded, though ſome of the Fathers and the Popiſh Church had brought it in before. *Math. 12.3 Aug. tract. 108. in Ioan. Miſſal. Rom.*

Therefore by the ſame rule the croſſe in baptiſme ſhould haue been removed alſo.

3. That which hath been idolatrouſly abuſed in popery, and hath no neceſſarie uſe in Gods Church ought to bee removed: As *Ezechiah* pulled down the braſen ſerpent becauſe the people made and Idol of it. This hath been the iudgement of The Church. *Tertullian* ſhewes at large, then when things indifferent haue been abuſed by Pagans, & Idolaters, Chriſtians may not uſe them, unleſſe they haue Gods warrant for them. And *Auguſtine* ſhewes that the Church of Chriſt left to faſt upon the Lords day, becauſe the maniches had taken up, that day to faſt on, worthy *Iewel* ſhewes many examples of the like: Nay the very Popes law reſolveth thus: 2. k. *Tertul. de coron. Milit. Aug. epiſt. 86. ad caſul. Iewel. defen. of Apol. p. 441. diſtinct. 63. quia ſancta.*

that

that if ſome of our prædeceſſours haue done thoſe things, which were well in their times, and yet afterward they be turned into errour, and ſuperſtition, they muſt without any delay be reformed.

Whit. cont. Bell. deſcrip. c.6. Ran.confut. 586. Bellar.lib. de ſacr. author. apud. Aug. ſect:59.

But the croſſe hath been Idolatrouſly abuſed in poperie as our beſt writers ſhew) yea the verie croſſe in baptiſme to bee a defence and muniment againſt the Devill. de Conſ.diſtinct.4. poſtea &c.

Therefore there being no neceſſarie uſe of it in the Church of God, it ought to be removed.

Gal.3.15.

4. It is not lawfull for any either man or Angell to add any thing to the ſubſtance of the ſacrament: For as well they might ad to the tenure of the Covenant as add to the ſeale whereby it is confirmed.

But the adding of the croſſe in baptiſme is an addition to the ſubſtance.

Therfore it is not lawful for any to do it.

The aſſumption, or ſecond propoſition is proved thus.

To add a ſacramental ſigne to the ſacrament, is to add to the ſubſtance of it.

But the croſſe in baptiſme is made a ſacramentall ſigne: *ſigna* (ſaith *S. Auguſtine*) *cum adhibentur ad res ſacras ſignificandas ſacramenta vocantur. Signes when they are uſed to ſignify Sacred things, are called Sacraments.* But the croſſe in baptiſme is taken up to ſignifie a holy thing, namelie our conſtant profeſſion in Chriſt,

Aug.epiſt.5.

that

that we ſhall not be aſhamed to confeſſe Chriſt crucified and to fight under his banner &c.

And ſo by conſequence, it is an addition or ſubſtance of a ſacrament, which is utterly unlawful. *Auguſtine* ſhewes the care of the Church in his time this way: *epi. ad Ianuar.* where ſpeaking of waſhing of feet which was uſed of ſome when they came to be baptized: *Multi hoc in conſuetudine recipere noluerunt, ne ad ipſum baptiſmi ſacr. crederetur pertinere: nonnulli de conſuetudine auferre non dubitarunt*: *Many would not receiue into uſe, and many tooke it away, where it was uſed, leſt it ſhould ſeeme to belong to the very Sacrament of Baptiſme*: So religiouſly carefull were they, leſt they might ſeeme to make any addition to the ſacrament.

The ſacrament of baptiſme robbed of his ſignification, and the ſame attributed to humane invention, viz. the Croſſe. Aug. Epiſt. 119. c. 18.

1. *Obiect. The Croſſe in Baptiſme is a moſt ancient ceremony.*

Anſw. To ſay it is *ancient* it is too much, but ſay *it is moſt ancient* is moſt untrue: *Mea antiquitas eſt Ieſus Chriſtus: my antiquty is Ieſus Chriſt* (ſaith *Ignatius* the bleſſed Martyr:) Now who knows not, that to uſe no croſſe in baptiſme is more ancient then to uſe the croſſe? And therfore if the Lords rule may hold: *ask & enquire for the old way for that is the good way*: or that of *Tertul. quodcunque primum, id utique verum. That which was firſt, that is the trueſt*; it muſt needs bee better to baptize with no croſſe, as Chriſt and his Diſciples did, rather then with the croſſe, as ſome haue done

Anſw. to the petition. p. 11.

Ign. epiſ. 6.

Ier: 6. 16.

Tertull. de preſcript.

done in later time.

But a little to ſearch the antiquitie of it, we muſt firſt agree what croſſe it is which wee ſo oppugne, and our brethren ſtand for. To croſſe the water in baptiſme? or to croſſe the child in baptiſme. To croſſe the water is ſuperſtitious (though the Fathers liked it) and therefore the Church of *England* hath removed it. To croſſe the childe in baptiſme hath not one authority in all antiquity that wee can read of. In *Iuſtin Martyrs* time there was no ſuch thing. In *Tertullians* time, Chriſtians began to Croſſe themſelues with the ſigne of the croſſe, but it was not yet crept into the ſacraments (as a learned writer hath well obſerved) for in his booke *de Corona Militis*, where he mentioneth other ceremonies that were uſed in baptiſme, as milke, honey, &c. he makes no mention of the croſſe. And *lib. de Baptiſ.* entreating profeſſedly of this ſacrament and the ceremonies of it, he hath not one tittle of the croſſe. In *Chryſoſtomes* time the croſſe was crept further (as all ſuperſtition will winde up like Ivy) *In ſacra menſa, &c. crux fulget: In the holy Supper the croſſe appeares in his glory*: but yet it was not impreſſed in the foreheads of ſuch as were baptiſed. In *Auguſtines* time the *Catechumeni* were ſigned with the ſigne of the croſſe before baptiſme, but no ſuch ſigne was uſed when they came

Inſt. apol. 2. Tertul. de coron. Milit. D. Rain. conſer. p. 581.

Tert. de bapt.

Chryſ. hom. quod Chriſtus ſit Deus.

Aug lib. 1. confeſſ. c. 11. & de ſymb. ad Catechel. l. 4. c. 10.

to

to be baptized; and therefore unleſſe better authority can be brought, then wee know of, or Popiſh *Bellarmine* either, (who hath raked all corners to helpe himſelfe) we thinke the croſſe in baptiſme will be faine to fetch his pedigree out of the Popes Maſſe booke, if happily it be able to deduce it thence. Bellar. lib. 2. imag. c. 29.

2 Obj. *We muſt needes haue ſome ceremonies in the adminiſtration of the Sacrament, Why then not the croſſe?*

Anſw. VVe grant that ſome ceremonies may be uſed: but if all be uſed, why then not creame, oyle, ſalt, and ſpittle? &c. for the Papiſts make but ceremonies of thoſe. And therefore it doth not follow, ſome ceremonies may be uſed, therefore the croſſe in baptiſme may be uſed. It is evident then, that there muſt be a choyce. VVell, let us ſee what muſt be the rule. The ceremonies that muſt be uſed, muſt haue three conditions. Lumb. 4. diſt. 3.

1. They muſt be ſuch as ſerue for comelineſſe and order ſake, as the *Apoſtle* ſaith, *Let all things be done comely and in order*. But the croſſe in baptiſme is not ſuch: for if it make a *Decorum* in the Sacrament, then Chriſt and his Apoſtles, and all the reformed Churches of Geneva, Scotland, France, Helvetia, Belgia, Poland, &c. that uſe it not, muſt cómit an *Indecorum*, which were abſurd to affirme. Thus *Peter Martyr* diſputes againſt the ſchoolemen, 1. Cor. 14. 40. P. t. Mart. claſſ. 4. c. 9.

who

Pet. Mar. clas. 4. c. 9.

who affirmed that the word and water were of the essence of baptisme; but the rest that were added, oyle, &c. did *facere ad honestatem, & decorum Sacramenti, make to the honesting and adorning of the Sacrament. Admit this* (saith he) *then it will follow, that Iohn and Christ, and the Primitiue Church hath baptized indecently, disordredly, &c. Quia eorum baptismus ist is omnibus carebat: Because their baptisme wanted all these things.*

1. Cor. 10. 32.

2. The Ceremonies must not be scandalous and offensiue, especially to our brethren, and to Gods Church, but the crosse is offensiue and scandalous both to other Churches that account it a prophanation of baptisme, and to godly and good men at home among our selues: yea *M. Calfeild* saith against the Papists, that to crosse with the finger is both an idle ceceremony and unlawfull to. *Calf.* in answ. to the treatise of the crosse. art. 2, p. 49.

Szedig. loc. comm. p. 169.

Pet. Mart. loc cit.

3. They must not be idle and needlesse ceremonies, but to such onely, as be needfull. See the whole Senate of the Apostles conclude in their councell. *It seemed good to the holy Ghost and to us to lay no burthen upon you, præter necessaria hæc, beside these necessary things:* but the crosse in baptisme is not necessarie either *ad esse* to the being, or *bene esse*, to the wel being of the Sacrament not *ad esse*, the very papists confesse: nor *ad bene esse*, be-

Act. 15. 28.

cause

cauſe the Sacrament may be well enough without it, as the very booke confeſſeth in private baptiſme where no croſſe is uſed yet the miniſter is preſcribed to ſay: *I certifie you that ye haue done well, and according to due order &c. though they haue not croſſed.* *Lumb. vbi ſupra.* *Common booke cap. of priuat bapt.*

VVherfore (moſt Noble King) 1. ſeing the croſſe in baptiſme is a departing from the plaine & ſimple inſtitution of our Saviour Chriſt. 2. Seing it is thruſt out of the other Sacrament to which it had as good right as to this, 3. Seing it was idolatrouſly abuſed in popery, & hath no neceſſary uſe now. 4. Seing it encroacheth upon the very ſubſtance of the Sacr. 5. Seing it is but a late device hatched by the Pope. 6. ſeing it is not a ceremonie pertaining to the decencie of a Sacrament. 7 ſeing it is ſcandalous and offenſiue to many good Chriſtians both preachers and people. Laſtly ſeing it is an idle and needleſſe ceremonie and ſo not warranted either *in genere or in ſpecie* either in generall or in ſpeciall termes (as all the true worſhip of God muſt be) we moſt humbly beſeech your highneſſe in the loue you haue to preſerue the Sacraments of the Lord Ieſus in ſuch puritie as he hath left them, that you will doe as good *K. Ezekiah* did who cleanſed the houſe of God, and caried out the filth of it into the brooke Cedron. *Deu. 4. 2. & 5. 32.* *2. Chr. 29. 16*

Againſt

2 Againſt Interrogatories in Baptiſme.

1. TO utter an untrueth in ſuch a place, & in ſuch a preſence, & in ſuch an action ſo ſerious cannot be but a great and greevous ſin, according to that, *thou haſt not lied to men but to God.* But to ſay, as the book preſcribeth in the name and behalfe of the infant: *that it beleeues al the articles of the faith, that it deſires, to be baptized into the faith of Chriſt,* is a great untrueth, becauſe the little infant neither beleeueth, nor deſireth any ſuch like thing: Nay (as *Auguſtine* ſaith) *quando ijs Chriſtiana gratia ſubvenitur vocibus quibus poſſunt & motibus reluctantur; they ſhew themſelves unwilling to bee baptiſed.*

Act. 5. 4.
Com. Book. cap. of Bapt.
Aug. Epiſt. cap. 7.

Therefore to affirme this, It cannot be but a great and greevous ſin.

2. That which giveth ſtrength to errour and hereſie in Chriſtian wiſdom ought to bee avoided according to that: *non pones ſcandalum coram cæco. Thou ſhalt not put a ſtumbling-block before the blinde.*

Leu. 19. 14.

But to affirme that the child beleeveth all the articles of the Chriſtian faith, is to giue ſtrength to their errour that thinke children haue faith, which indeed they haue not, as both the Scripture ſheweth, and the Fathers.

Rom. 10. 17
Aug. ep. 57.

There-

Therefore in Chriſtian diſcretion and wiſdom this occaſion of errour is to be avoided.

3. If the Infant be to be baptized into the faith of the parent, or of ſome, that will undertake to be as a parent to it, then it ſuffiſeth the father or hee that will undertake to be as a parent, to make confeſſion of his faith.

Abraham circumciſed his ſeruant as well as his ſonnes. Gen. 17.13.

The Antecedent is true becauſe as the covenant runnes ſoe runnes the ſeale of the couenant, but the couenant is made with the father in the faith of the father not with any relation to the faith of the child, as appeareth by that, *I will bee thy God, and the God of thy ſeed.* Therefore it is ſufficient for the father, or he that will be in ſtead of the father, to make confeſſion of his faith, becauſe as the ſcriptures ſhew, it is the faith of the parents that brings the childe, within the compaſſe of the covenant of grace.

Gen. 17. 7.

1. Cor. 7. 14.

Ob. *The interrogatories be moſt ancient.*

Anſw. Antiquitie without verity is but *vetuſtas erroris, oldneſſe of errour*, as *Cyprian* ſpeaketh, and again. *Non debemus attendere quid aliquis ante nos faciendum putaverit, ſed quid qui ante omnes eſt Chriſtus prior fecerit, neque enim hominis conſuetudinem ſequi oportet, ſed Dei veritatem: we are not to regard what any one hath thought good to do before us, but what Chriſt did firſt before all, neither ſhould we follow the cuſtom of men, but the*

Cypri. ad Pomp. & lib. 2. ep. 3.

the trueth of God.

Oyle in baptiſme is ancient as appears by *Tertullian* and *Cyprian* ſo is exuſſlation uſed of the Church, as *Auguſtine* ſpeaks: *toto orbe diffuſa, in qua ubique omnes baptizandi infantuli exufflantur.* And yet the Church of England for good cauſe hath refuſed both. In *Auguſtines* time and long before the Sacrament of the Lords Supper was giuen to Infants. *Maldonatus* the Ieſuite confeſſeth it was ſo, and that with opinion of neceſſity that children periſhed that died without it. And yet the antiquitie of this cannot make it good, as being contrarie to the doctrine of *Paul*; *Ergo*, every thing that is ancient is not therefore by and by currant.

Tert. de reſuſ. Carn. Cyp. lib. 1. epiſt 22. Aug. lib 2. de imp. & corrup. c. 18. Aug. lib 1 de peccat. & remiſ. c. 24. Mald. in Ioh.

1. Cor. 11. 28.

2. It cannot be proued that the uſe of interrogatories is *moſt ancient*, we reade in ſcripture of interrogatories miniſtred to ſuch as were of years and diſcretion, as to the *Eunuch. Si credis &c. Credo. If thou beleeueſt, &c. I beleeue.* And *Tertul.* ſaith: *aquam ingreſſi Chriſtianam fidem in ſuæ legis verba profitemur renunciaſſe nos diabolo ore noſtro conteſtamur. Being to be baptized, we profeſſe the Chriſtian faith according to the words of the law, we ſolemnely profeſſe with our mouth, that we haue renounced the Diuell.* But of any Interrogatories that were miniſtred to Infants, we read not at all in the book of God.

Act. 8. 37. Tert. de ſpec. c. 4.

3. Though the Fathers mention this uſe

uſe, yet that many diſliked it euen in their times appeareth by *Tertullian* himſelfe, who wiſheth that infants may be kept till they can make their own anſwer, leaſt we promiſe that for thē which they wil neuer perform. And *Boniface* the BB. moues the doubt to *Aug.* & argues againſt it, whē the witneſſes ſay, the infant beleeues: *dicunt eos facere* &c. they ſay they do that wch that age is not able to think. 2. If they do beleeue yet it is a thing unknown to us. 3. If a man ſhould by and by aſk the witneſſes of the child whether it ſhall be a theef or no, they will anſwer they cannot tell, and if they cannot tell this, how can they tell, that it will beleeue. *Auguſtine* a man ſo learned that he could haue helped the cauſe, if there had been any helpe in it reſolues the matter very weakly: *habet fidem. i. ſacramentum fidei.* the infant hath faith. i. hath the ſacrament of faith: And yet by our booke, the witneſſes are cauſed to ſay, it doth beleeue, and it hath faith before it hath the ſacrament of faith: i. the water of baptiſme powred upon it.

lib. de bapt.

Aug. epiſt. 23.

Com. booke 6. of baptiſ.

Therfore *Bucer* one of their own authors, better reſolues the point, ſhewing that it is fitteſt for thoſe that be of yeares and diſcretion to make promiſe of obedience at the ſame time whē they be baptiſed. But that children doe it after they haue been catechiſed and taught the doctrine of Chriſt: And ſo *Szegedinus ſi baptizandus eſt*

Buc. lib. 1. de reg. che. 6. 5.

Szeg. de. bap. p. 167.

eſt infans, nec fides, nec fidei confeſſio ab illo poſcatur: abſurdū enim eſt id requirere ab infante, quod nec Deus ipſe ab illo requirit, nec ille per ætatem habere nec exprimere poteſt. Of theſame iudgement is *Beza*.

Bez. in conf. 6.4.48.

VVherfore (moſt noble King) 1. Seing the interrogatories giue men occaſion to utter an untrueth before the Lord. 2. Seing they giue ſtrength to their errour that thinke children haue faith, which indeed they haue not. 3. Seeing the infant is not baptized into his own faith, but into the faith of his father or ſuſceptor. 4. ſeing it is ridiculous to ſay, they do that which in the iudgment of any reaſonable man they cannot doe. 5. ſeeing the firſt and beſt Churches knew them not. Laſtly, ſeing thoſe Churches that received them, yet had many learned and good men, that upon good grounds diſliked them, we truſt your Maieſtie will eſtabliſh that which ſhall bee more pleaſing to God, and better liking to your beſt affected ſubiects.

3. *Againſt confirmation.*

1. VVHere the gift is ceaſed there the ceremony and the ſigne muſt ceaſe alſo as annoynting of the ſicke uſed in the Apoſtles time is now ceaſed becauſe the miraculous

miraculous gift of healing is ceaſed, but the gift of giving the graces of the HOLIE GHOST, by impoſition of hands is now ceaſed; as *Auguſtine* ſaith: *neque enim temporalibus & ſenſibilibus miraculis per manus impoſitionem modo datur ſpiritus ſanctus, ſicut antea dabatur &c.* Iam. 5. 14. Aug. lib. 3. de Bapt. c. 16.

And therfore ſeing the miraculous gift is ceaſed, this kind of Impoſition of hands which is the ſigne of it, muſt ceaſe alſo: This is *Chemnitions* reaſon againſt the popiſh ſacrament of confirmation, and ſo likwiſe that learned man *M. Calfield* ſaith, *Laying on of hands ſerued to good vſe then when it pleaſed God at the inſtance of the Apoſtles prayers to conferre the viſible graces of his ſpirit*: But now there is no ſuch miniſtrie in the Church: now that miracles be ceaſed to what end ſhould we haue this impoſition of hands, the ſigne without the thing. Chemnic. in exam. fid. de confu. M. Calf. art. 4. treat. of the croſſe.

2. To bring in a new ſacrament, beſyde thoſe two which Ieſus Chriſt hath ordayned, is utterly vnlawfull: But confirmation as it is preſcribed by the booke is made a new ſacrament beſide thoſe two which Ieſus Chriſt ordained: therefore confirmation, as it is preſcribed by the booke is utterlie unlawfull.

The aſſumption or ſecond propoſition is proued thus. That which is made an outward ſigne, and ſeale to aſſure of Gods

loue and favour, that is made a ſacrament in moſt proper ſenſe, as both the ſcriptures ſhew and our own articles of religion defining the ſacraments to be ſure witneſſes and effectuall ſignes of grace and of Gods goodwill to us: but the impoſition of BB. hands is made a ſigne to aſſure us, of Gods favour and gracious goodneſſe to us, (ſo be the words of the book:) therefore it is made a ſacrament in moſt proper ſenſe: But this is unlawfull: and therefore this kind of confirmation is unlawfull; & yét the poore miniſters of Chriſt, were urged and enioyned under moſt greevous penalties to ſubſcribe to all.

Rom. 4. 11.
Arti. relig. 25.
Common. booke c. of confirm.

3 That which is the generall duty of all the miniſters of the Goſpell ought not to bē made the particular duty of ſome few of them.

But to confirme Chriſtians in the faith of Chriſt is the generall duty of all the miniſters of the Goſpell: as appeareth by the Scriptures.

2. Theſſ. 3. 2
Ezek. 34. 4
Eph. 4. 12. 13.

Therfore it ought not to be made the particular duty of ſome few of them. *Hierome* ſaith plainly of confirmation by BB. *diſce hanc obſeruationem potius ad honorem eſſe ſacerdocij quam ad legis neceſsiatē. Know that this order is rather for the honor of prieſthood then neceſsity of Law.*

Hier. ad. Inci

Object. 1. *It can not be amiſſe that BB. pray over the children.*

Anſw. 1. To thinke the BB. prayers be

be more holy then any other mans, is ſuperſtitious: the ſcriptures tell vs, *that if any man be a worſhipper of God, the Lord heareth him*, be he BB. or preacher. 2. they do not onely pray ouer them, but impoſe hands upon them, that by means therof they may receiue ſtrength againſt all the tentations of ſinne, which is to take that power to them which the Lord neuer gaue them, contrarie to that which is written: *No man can receiue any thing unleſſe it bee giuen him from aboue.*

Act. 9. 31

com. book c. of Conſir.

Io. 3. 27.

Obj. *It is meete that ſuch as bee baptized make open profeſſion of their faith, that it may appeare how they haue profited, and that they may be further confirmed therein.*

Anſ. All this may be done without any ſuch ceremonie by diligent catechizing and teaching in every congregation; and if there needed any confirmation who are more fit to do it, then the paſtor of every congregation, who beſt knoweth the profiting of his ſheep.

1. Pet. 2. 2. Act. 20. 32.

4. *Againſt baptizing by women.*

HEre we both agree in the doctrine that women ought not to baptize. Our brethren ſay, *fieri non debuit*; women ſhould not haue taken upon them to baptize, but yet exception is taken to our ſpeach.

Anſw. to the petition. p. 11. ſ. 2.

Exception.

Answ. ibid. *The booke of common prayer doth not prescribe that baptisme should be administred by women.*

Answ. Yea but if the booke permit it though it do not prescribe it, it is more then true divinitie will warrant. Now whether the booke seeme not to encline that way let it be considered by these reasons.

1. By the booke the Priests and Curats are commanded to warne the people, that without great necessity they baptize not children at home in their houses and when great need shall compell them so to doe, that then they minister it on this fashion.

2. This same *they* (they that minister it) is a relatiue, therfore if they look back to to find the antecedent what will meete us, but (they) whom the Priests and Curats warned not to baptize their children at home: but they whom the Priests and Curats warned not to baptize their children at home, were the people, yea the vulgar people, not ministers: and therefore they that be permitted by the booke to baptize, bee the people, yea the vulgar people.

3. If the chyld liue it is to be brought to the church by order of the booke and there the minister is to examine who baptized it, which were a folly if the minister had

had done it himſelfe, and further with what words it was baptized, which were as fond if it were baptized by an ordinary miniſter of our Church.

4. The booke preſcribeth no more but that they that be preſent call uppon God and uſe the right forme N. *I baptize thee &c.* ſo that theſe two things bee obſerved by the midwife, or whoſoeuer preſent, the miniſter is to certifie them by order of the booke, that they haue done well and according to due order.

5. The child is ſuppoſed by the booke to be baptized by ſuch as happpily knew not what they did in that great feare and trouble of mind, but ſuch as be ſo greatly feared and troubled at ſuch times be not the miniſters who haue nothing to do in thoſe actions but the wiues and ſuch as be preſent at ſuch times: therefore they bee not miniſters, but the people yea the very women that bee permitted to baptiſe in ſuch times of neceſsity.

VVherefore (moſt noble king.) Seeing the booke ſeemeth to carry this ſenſe and to warrant that which the word of Chriſt never approved; VVe moſt humbly entreat that it may bee either quite remooved, or better explained. *Math.* 28. 9.

5. *Againſt the Cap and Surplice.*

1. THE Maſsing garments in poperie bee no fit garments for the miniſters

sters of the Gospell according to that charge of the Lord: *you shall pollute the coverings of the images and the rich ornaments, &c. and say unto it, get thee hence:* and againe, *hate even the garment spotted by the flesh.* Hence it was that *Iacob* when hee reformed the idolatrie of his household, he made them also to change their garments.

Is.30.22.

Iude.21.

Gen.35.2.

But the surplice is one of the massing garments in poperie, as both the Protestants and popish writers shew. *M. Fox* for the Protestants, who declares, that when a Popish Priest was to bee degraded they took away the surplice from him, as one of his priestly garments. For the Papists, *Innocentius* and *Durandus*, who bring in the popish Priest so apparelled to his Masse: therefore it is no fit garment for the ministers of the Gospell. *Tertullian* confirmes this reason, shewing that Christians ought not in outward things to conforme themselues unto Idolaters, no not in wearing a garland of flowres: *Nihil* (saith he) *dandum est Idolo, sic nec sumendum ab Idolo, si in Idoleio recumbere alienum est à fide, quid ni Idolei habitu videre? &c. Nothing is to be given to the Idol, so neither to be taken from the Idol: if to sit down in the Idol-temple be strange from the faith, why not to bee seen in the Idols habit?*

Fox. martir. p.501. & 853

Innoc. myst. miss. lib.1. c.10.

Duran. lib.3. c.1. in rationall.

Tertul. de coron. milit.

2 That simplicity and plainnesse which Christ

Chriſt and the Apoſtles, and the Fathers in the beſt time of the Church uſed is fitteſt and meeteſt for the miniſters of Chriſt, according to that, *From the beginning it was not ſo*, where our Saviour Chriſt teacheth us to reduce and bring things backe to their firſt originall. Mat. 19.8.

But our Saviour Chriſt and the Apoſtles, and the Fathers in the beſt and pureſt times of the Church, had neither cap nor ſurplice to miniſter in.

Therfore that ancient uſe is fitteſt to be retained ſtill: That Chriſt and his Apoſtles had no miniſtring garments, it appeareth *Luk.* 4. where our Saviour Chriſt entred into the Synagogue, and ſtood up to read, the miniſter brought him not a ſurplice, but a book. And when *Paul* and *Barnabas* entred into the Synagogue, and the Ruler ſent to them to preach, they ſtood up without any more ado. *P. Martyr* is cleere for this: Papiſts (ſaith hee) deſpiſe us, becauſe wee haue no prieſtly garments, when Chriſt & his Apoſtles had none neither. So likewiſe *Epi. ad Hooper*, *B. Iewel* brings authorities to proue it, *Walafridus* and others, to ſhew that the Maſſing garments came in by little and little: So at firſt men celebrated in common apparrell, as certaine of the Eaſt Churches are ſaid to doe at this day. M. *Fox* likewiſe ſaith, *That in the Apoſtles time little regard was had of dayes, or meates,* Luc. 4. 16. Act. 13. 36. Pet. Mart. claſ. 4. c. 1. Defence of Apol. p. 401 Walfr. de ex-ord. & in ca. Eccleſ. c. 24 Fox Mart. p. 5.

or

or apparrell, &c. And therefore ſeeing Chriſt uſed no diſtinction of apparell, herein wee deſire but to bee like our maſter.

3. That which doth not add grace and comelineſſe to the miniſtery of the Goſpell, but maketh it ridiculous, is to be removed: But ſo do the Cap and Surplice; it makes the miniſter of the Goſpell ridiculous: for firſt it brings him in like
2. King. 1. 8. a Popiſh prieſt. *Elias* was known to be a Prophet becauſe he went like a Prophet, i. in a Prophets garment: ſo if men would haue the people take us for Miniſters of the Goſpell, why bee wee ſtill apparrelled like Popiſh prieſts. Secondly, this kinde of white apparrell is now grown into diſgrace in our Churches, becauſe none but harlots that doe penance, come ſo attired into the congregation, and therefore ſeeing the ſurplice doth not add any grace unto the Miniſter of the Goſpell, but maketh him ridiculous, it is therefore cleare that it is to be removed.

4 That kinde of garment which procureth ſcruple of conſcience to divers that weare it, offence to many good Chriſtians that behold it, comfort to the Papiſts that loue it, loſſe to the Church of the labours of many worthy men, ought not to be uſed.

But ſuch is the ſurplice, as daily experience teacheth. Therfore it is not to be uſed

1. *Obj.*

1. Obj. *To leaue every man to his owne liberty implies confuſion.* *Anſw. to the Petit. p. 11. ſect. 3.*

Anſw. No confuſion at all: for if our brethren will hold them to their owne grounds, if the ſurplice be not urged by Princely authority, they may not uſe it: for when the learned man whom they tearme *T. C.* had demanded why the Biſhop in the Synod *Anno* 1571. had taken away the gray Amice, as a garment ſpotted with ſuperſtition, and left the ſurplice which had been more filthily abuſed in Popery, the Reuerend Archbiſhop replies, that the Biſhop took it away becauſe it was not eſtabliſhed by any law of this land. And ſith herein in our mind the Biſhop did well in it, that they will not ſuffer any rite or ornament to be uſed in this Church, but ſuch onely as are by publike authority eſtabliſhed, and therefore as we ſay, if they will ſticke to their owne grounds, if the king do not urge the ſurplice by law, they muſt not uſe it. *Thomas Cartwright. Synod. Loud. anno 1571. cap. de Decanis. Doct. Whit. p. 283.*

2. Obj. *Doe not their own words import, that they may bee well uſed ſo they bee not urged.* *Anſw. to the petit. p. 11.*

Anſw. 1. That they may be uſed is one thing, that they may be well uſed is another. Many things may bee tolerated, which cannot be iuſtified. 2. The conſequent is not good: for if they be not urged by authority, then they may not bee uſed, as before is ſhewed.

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3. Obj.

Anſw. ibid. 3. Obj. *What is there in the Cap or Surplice that ſhould offend any man of iudgement?* Bucer, P. Martyr, Auguſtine, Calvin.

Anſw. Then be like our brethren take all that be offended at the ſurplice to bee men of no iudgement. *Rev. Iewel,* a man as of more learning, ſo of more modeſtie & loue, confeſſeth that there were godly learned men that refuſed the apparell and that they had their grounds, and reaſons from authoritie to do ſo: and our preſent Arch.BB. profeſſeth there were ſome that never received the apparell, whom (ſaith he) I for my part haue alwayes reverenced, and do reverence not onely for their ſingular vertue and learning; but for their modeſtie alſo. *Peter Martyr* their own author, reſolveth, that though the ſurplice may bee tolerated till things be come to ſome ſtay, yet it were much better that it were removed: I (ſaith he) writing to a friend in England) *thinke as you doe, that theſe things being indifferent of themſelues make not a man either good or bad, but as you alſo thinke, ſo I thinke it more conuenient, that that garment, and many things of that kind, cum fieri commode poterit auferuntur.* i. *that when conveniently it may bee done they be removed:* & in the ſame epiſtle here quoted, *I like well* (ſaith he) *if you deſire that Chriſtian religion ſhould aſpire again to chaſte & ſimple pureneſſe: for what ſhould*

Defence Apol p.399.

ibid.p.400. Doct.Whit. pag.289.

Pet. Mart. ep.3.amico cuidam.

all godly men more Wish for: and to speak of my selfe, I hardly suffer my selfe to be drawn frō that simple & pure use, Which We all long used at Strasburgh, Where differēce of apparell in regard of the ministrie Was taken away, that manner as being the plainer, and especially savouring of the Apostolike Churches: I haue allwayes approved above all others, and I pray God that it may be long continued there, and whereseever the Church of Christ is restored, it may at length be received: and therfore if the matter may passe upon this worthy mans verdict, we shall soone agree.

Hemingius shewes, that the ministers of the Gospell in these parts utterly refused the surplice, because although the thing in it selfe were indifferent, yet the abominable abuse of it in popery had made it not indifferent. *Clas. 3. c. 16*

Osiander speaking of popish garments brought in by a false decree of *Steuen*, *Quod* (saith he) *profecto nihil aliud est, quam umbras leviticas in clara luce Evangelij in Ecclesiā stulte reducere, et ex Christianis hac quidē in parte Iudæos facere. Which in truth is nothing else then to bring into the Church shadows in the cleare light of the Gospell, and to make in this respect of Christians Iewes.* *Cent. 3. lib. 3. c. 14.*

As for Augustine and *Calvin* they onely affirme against the Anabaptists, and their like, that some things used by idolators and heathens may be used of Christians, namely such things as haue a necessarie and

and honeſt uſe, as wee may uſe the ſame Churches, Bels, pulpits, that were uſed in popery, but to infer of this, that therefore we may uſe the Surplice, is as weak a reaſō, as if a man ſhould gather that therfore we may uſe all the other traſh, *Auguſtine* reſolueth well: *Egiptij* (ſaith he) they had their *idola & onera* their idols and their burthens. And they had alſo *vaſa & ornamenta* veſſels & ornaments of gold, ſilver. &c. The Iſraelits abhorred their Idols and their burthens, but their veſſels and their ornaments of gold and ſiluer they turned to a better uſe: he ſhews his meaning after, that Idolaters and heathens haue ſome profitable, and good things, and thoſe we may uſe, and they haue ſome Idolatrous and burthenous things, and thoſe we may not uſe, in which number becauſe the ſurplice is, therefore by *S. Auguſtine* rule, we may not uſe it.

Aug. l. 2. de Doct. Chriſt. cap. 40.

VVherefore (moſt noble king) ſeing the ſurplice is one of the maſſing garments in popery, an habit not beſeeming the Miniſters of the Goſpell. 2. ſeing Chriſt and his Apoſtles and the Fathers in the better times of the Church made no diſtinction in apparrell. 3. Seeing it doth not grace the miniſtery, but make it ridiculous to the people. 4. Seeing it offendeth the Proteſtant, and giues hart unto the Papiſt. 5. Seeing the gray Amice and other Popiſh garments are gone that could haue made

made as good a plea for themſelues as the Surplice can. 6. Seeing men of excellent learning and iudgement, in ſundry Chriſtian kingdomes reformed, haue diſliked it as comming too neere to the Popiſh faſhion: wee truſt your Princely Maieſty tendring the diſtreſſe of your Preachers, the peace of the Church, and the edification of your people, will remoue this ſtumbling-block, that a number of faithfull and good labourers either extruded or diſcouraged by ſuch occaſions, may returne againe unto the Lords worke.

6 *For examination before the communion.*

THat *examination* ſay they) *Where need is, ſhould goe before the communion, who diſliketh? And to haue it Where no need is, Who requireth?* Therefore let vs reſt in this: not ſo neither, but two exceptions be taken to our ſpeech. *Anſw. to the petit. p. 11.*

Except. 1. *That none ſhould be admitted to the bleſſed Sacrament, of What ſtate or condition ſoever he be, except they were firſt examined, Were iniurious, &c.* *Anſw. ibid.*

Anſw. Then this is our brethrens meaning, that though there bee need, yet if he be an old man, or a man of any wealth or account, though there be need, and the man never ſo ignorant, blockiſh, and prophane,

prophane, yet it is iniurious & inconvenient to take any tryall of him, as if a man becauſe he is old, or rich, or beareth ſome ſway, may therefore come ſtill to his
1. Cor. 11. 29. iudgement, or as if we could be ſo excuſed before God for giving the bread of
Mat. 24. 45 the houſhold to ſuch as in our conſcience and knowledge belong not to it, onely becauſe they are old and rich. Our
Mat. 7. 6. maſter chargeth us without diſtinction, *Giue not that which is holy unto Dogges.*
Chriſ. hom. 83. in Mat. *Chryſoſtom* hath a goodly ſaying: *If* (ſaith he) *the keeping of a moſt cleare and ſweete fountaine were committed to thee for thy ſheep to drinke at, and a ſort of ſwine ſhould come to puddle it, and to foule it with their feet, wouldſt not thou reſtrain them? wouldſt thou ſuffer them to diſcend into it? Behold, not a fountaine of water, but a fountaine of the bloud & of the Spirit of Chriſt, is comitted to thy keeping, and wilt thou ſuffer wicked & vile ſinners to deſcēd into it & pollute it?* And ſo he concludes: *If thou dareſt not prohibit the unworthy, Dicito mihi, &c.*
Be the place. *ſanguinem meū profundi potius patiar, quam ſatratiſſimum illum ſanguinem præterquam digno concedam. I had rather ſuffer mine own bloud to be powred out, then that moſt holy bloud of Chriſt ſhould bee given to any unworthy perſon.* *Bucer* doth much com-
lib. 1. de regn. Chriſt. c. 4. plaine of the neglect of this, that ſome miniſters will let all come to avoyd their owne trouble, &c. The place is worth reading

reading: yea, our owne Biſhops haue decreed ſpeaking of the miniſter, *Ad myſteriorum communionem neminem admittet, qui catechiſmum & articulos fidei non didicerit. He ſhall admit none to the partaking of theſe myſteries, &c. which hath not learned the Catechiſme and Articles of faith.* And again, *in catechiſmo inſtituant, & omnes ſuos omnium ætatum atq; ordinum non tantum puellas & pueros, ſed etiam ſi opus eſt grandiores. Let them inſtruct in the catechiſme all theirs, of all ages and degrees, not onely boyes and girles, but even the elder ſort alſo if there be need.* Synod. Lond an. 1571. cap. cancal.

2. Except. *To examine every man, &c. after the Conſiſtorian faſhion, were inſolent.* *Anſw.* Surely too many of us be too well acquainted with the Conſiſtory faſhion, and we thinke it a proud faſhion indeed, to bring our deere brethren, redeemed with the pretious price of the blood of Chriſt, and borne continually in the hands of Angels to ſtand like poore priſoners at the barre as ſome haue done, for the omitting the croſſe and ſurplice. Nay, God forbid, let it be farre from the ſoule, and from the thought of every one of us: we will be the ſeruants of the Church, and as *Abigail* ſaid, ſo wee ſay in the humility of our hearts, that we will bee ready to ſtoope downe to waſh the feet of the meaneſt ſeruant of our Lord and Maſter. VVherefore to thinke *Anſw.* to the petit p. 12. ſect. 4. 2. *Cor.* 4. 5. 1. *Sam.* 25. 41. *Ioh.* 13. 14.

that becauſe that which wee moue for, may not be done in pride, in inſolencie, with contempt of our brethren, that therfore it may not be done at all, no not in humility, in meekneſſe, in tenderneſſe, and loue, is to reaſon as if men had made a fray with their wits.

And therefore ſeeing the matter is confeſſed to be needfull, and exceptions to the manner are found to be frivoulous, we moſt humbly entreat your moſt excellent Maieſty that Paſtors may be charged to examine their people before they come to the communion, & ſo to prepare them
2. Chr. 35. 6 to come with comfort, as the Leuits in the Law ſanctified & prepared their brethren.

7. *For a Sermon before the Communion.*

Anſw. to the petie. p. 11. ſect. 4. HErein alſo we both conſent, unleſſe our brethren deceiue us with ambiguous words *no body* ſay they *diſliketh, that it bee miniſtred with a ſermon*, yet here alſo two exceptions are taken.

Anſw. ibid. 1. Exc. *It is abſurd to think it ſhould not be miniſtred without a ſermon, and hath bred in many a vaine and falſe opinion as if not the word of Chriſts inſtitution, but rather the word of the miniſters expoſition were a neceſſary and eſſentiall part of the Communion.*

Anſw. The ignorance of our people con-

conſidered, the ſhortneſſe of mens memories eſpecially in good matters, the deadnes & coldneſſe of the greateſt part, unleſſe they haue ſome good means to ſtir them up, and even as it were to carrie and beare up their harts to God, it is not only convenient, but very expedient, yea and neceſſary too, if poſſibly it may be, that at every communion there ſhould bee a ſermon, there is not a better time to worke upon a people, then when the ground is, as we may ſay, ready to eate up the ſeed from the hand of the ſower: this is that which *S. Paul* ſpeakes of, *to preach in ſeaſon* 2. *Tim.* 4. 2 and that which our Lord commends *to giue the portion of meate in fit time*. This was the practiſe of *Iohn* Baptiſt, of Chriſt *Mat.* 24. 45 and the Apoſtles who continually ioyned *Mar.* 14. the word and the Sacraments together. It *Mat.* 28. 19 is true, it may be a true ſacrament without *Act.* 2. 22. a ſermon at the inſtant, becauſe the Sa- *& 20.* 7. craments doe not onely ſeale that which we learne then, but all the mercifull and good promiſes of life and grace which we haue heard before; yet becauſe the Sacra- *Rom.* 4. 11. ment is more fruitfull and effectuall unto us, when it hath the miniſtery of the word annexed to quicken it, and to giue life to it, by renewing the promiſes of God, and ſtirring us up to lay hands upon them.

Therefore in conſideration hereof, it is earneſtly to be wiſhed that the word and

the Sacraments may ſtill go hand in hand together. VVe hope, nay we know Vniverſity men bee not to learne to know, That *aliud eſt ſacramentum aliud eſt vis ſacramenti. The ſacrament is one thing and the vertue of the ſacrament is another.* Or as *Auguſtine* ſpeakes in another place: *Aliud eſt habere, aliud eſt utiliter habere.* And therefore though it be a ſacrament without a ſermon, yet the preaching of the word makes it a more profitable ſacrament, more fruitfull and more effectuall to the receivers.

Aug. tract. 26. in Ioan. & lib. 4 de Bapt. c. 17.

Anſw. to the petit. p. 11. ſect. 4.

Except. *He that readeth our Communion booke ſhall ſee that therein the whole manner, end and uſe of that holy inſtitution is ſo excellently deſcribed as may be in ſtead of many ſermons.*

Anſw. That which was reached us with the right hand, is here pulled away from us with the left. *The communion booke (ſay they) may be in ſteed of many ſermons.* The learnedſt divines in this Land (and wee (as they ſay,) haue the beſt in Chriſtendome,) can preach but one ſermon at once, and therefore if this be ſo that the *booke may be in ſtead of many ſermons* the dumb miniſter with his Communion booke ſhall bee better able to prepare a people for the Sacrament, the the learnedſt divine in all Chriſtendom with his ſermon. And is not this goodly ſtuffe. Our Reuerent Biſhops as it

ſeemes

ſeems, were not ſo deeply conceited of the booke and therefore they decreed in their Synode: *ſi tempore ſacræ communionis nulla erit concio de ſcripto & è pulpito, pronuntiabit unam aliquam ex homilijs &c.* here there muſt bee a ſermon or an homily to helpe out the booke, a ſermon, if it may bee: and therefore in the iudgement of theſe learned men, the booke may not ſuffice in ſtead of many ſermons. Godly *Bucer* one of their owne authors would haue *King Edward* eſtabliſh it as a Lawe in this Land, that before the communion the Scripture be not onely read, but alſo expounded to the people: and ſure (as we take it) there is reaſon for it, for howſoever there be ſome good things in the booke, yet they may not bee matched with preaching. 1. becauſe preaching is the moſt effectuall means whereby God worketh converſion in his people, as the Apoſtle ſaith: *It pleaſed God through the fooliſhneſſe of preaching to ſaue the beleeuers.* 2. The doctrine of the booke is alwayes one and the ſame, but the doctrine of the preacher, may bee varied. The doctrine of the booke is generall, but the doctrine of the preacher may bee fitted in particular, as hee ſees occaſion: and therefore howſoeuer the booke may be good, yet in the iudgement of any reaſonable man, preaching muſt needs be better.

Synod. Lond. anno 1571.

Bucer de reg. Chriſt. l. 3. c. 7. p. 57.

1. Cor. 1. 21

Mat. 15. 39.

2. Tim. 2. 15.

VVherfore (moſt noble king) we truſt your highneſſe ſo well acquainted with the wayes of God, and all the means of life and comfort, will eſtabliſh that, which in the iudgement of any feeling Chriſtian, is the fitteſt.

8, *Againſt the name of Prieſts,*

1. THat diſtinction which the holy Ghoſt hath conſtantly retained in all the new Teſtament between the Prieſts of the law and the miniſters of the Goſpel, that diſtinction muſt we retain
Eſay.19.18 if we will ſpeak *the language of Canaan*, and
Neh.13.24. not as the children did in *Nehemias* time halfe in the ſpeech of *Aſhdod* and halfe in the language of the Iewes.

But the holy Ghoſt hath conſtantly retained this diſtinction in all the new Teſtament between the Prieſts of the Law, and the miniſters of the Goſpell.

Therefore if we will ſpeake as the holy Ghoſt hath taught us, we muſt retaine this diſtinction.

The aſſumption or ſecond propoſition
Phil.1.1. hath all authoritie to confirme it. 1. the
Ex.4.11. Scripture it ſelfe. 2. the iudgement of our
Doct. Fulk. anſw. to the hand.c.6. beſt divines. *Doctor Fulke, becauſe* (ſaith he) *the Scriptures calleth the miniſters of the new Teſtament by divers other names of iuris,*

(*Prieſts*)

(*Prieſts*) *Wee thought it neceſſary to obſerue that diſtinction, which wee ſee the holy Ghoſt hath ſo preciſely obſerued.* And again ſhewing why the miniſters of the Goſpell be neuer called Prieſts in any one tranſlation of our Bibles: *It is reaſon* (ſaith he) *we ſhould retaine that difference of names of the miniſters of both the Teſtaments, which the holy Ghoſt doth allwayes obſerue.* Doctor *Whitakers* ſaith, *Chriſt committed his Church to be ruled by Paſtors, and Biſhops for ever, and not to Prieſts.* And after: whereas their office is declared diverſly in great variety of names, yet is this name of Prieſts neuer once given them in any Goſpell, Epiſtle, or booke of the new Teſtament. *D. Reynolds* ſaith, Seing our language doth meane by prieſts, ſacrificers, which in the Apoſtles language are called *iepus* and they neuer gaue the name *iepus* to the Paſtors of the Chriſtian Church, it followeth that they gaue them not the name of Prieſts.

ibid.

D. Whit. againſt. Reyn. c. 4. 199.

D. Reynold conf. Hart. p. 538.

3. The papiſts themſelves confeſſe, yea *Bellar.* ſayth *Apoſtoli in ſcripturis nunquam vocant ſacerdotes Chriſtianos, ſacerdotes: ſed ſolũ Epiſcopos & presbyteros. The Apoſtles in the ſcriptuers neuer call Chriſtian Prieſts by the name of prieſts, but onely by the name of biſhops and Presbytrs or Eders.* And elswhere he giues the reaſon to be this, to diſtinguiſh them from the Leviticall prieſts, and therefore ſeing the holie ghoſt hath conſtantlie

Ballar. l. 3. de Rom. Pont. c. 18.

Lib. 3. de ſanct. invoc. cap. 4

kept this distinction of names between the Priests of the Law and the ministers of the Gospel we may not confound them.

Esay.42. 8. 2. The Royalties of our Lord Iesus both in his offices, and in his titles are to be preserved whole and intire to him upon which no man without the Lords own grant may presume to enter.

But it is one of the royalties of our Lord Iesus to bee the sole and the onely Priest of the new Testament, and so to be termed according to that: *bee holdeth ἱερωσυνὴν ἀπαράβατον.* i. such priesthood, as can not passe to another, either for name or nature, so that *Augustine*: saith well: *Dominus Iesus Christus unus verus Rex, & unus verus sacerdos. The Lord Iesus Christ is only true king, and onely true Priest* And *D. Whitakers*: Christ hath ἱερωσυνὴν ἀπαράβατον. i. such a Priesthood as cannot passe to another, but abideth onely with himselfe, whereof it doth invincibly and necessarily ensue, that the onely Priest of the new Testament is Iesus Christ.

Heb.7.24.

Aug.lib. de conf.Evang. cap.3.

D. Whit. against Rcyn. l.4.p.42.

Therefore this being one of the Royalties of our Lord Iesus ought to be preserved whole and entyre to him,

3. VVhere there is a distinction in the things there must also bee a distinction in the names according to that of *Tertul. fides nominum, salus est proprietatum*: to keep the names right, is a good means to keep the things right.

De carn. Chr.p.19.

But

But there is a large and a wide diſtinction betweene the callings and the functions of the miniſters of the Goſſpell, and the popiſh Prieſts. Therefore there ought alſo to be a diſtinction in their names.

This reaſon Doctor *Fulk* preſſeth, againſt the Papiſts, *ſeeing the holy Ghoſt had made ſuch a broad difference betweene the names, and offices of the Prieſts of the Law and the miniſters of the Goſpell: thoſe ancient Fathers that confounded thoſe names, which the ſpirit of God will haue to bee diſtinct cannot bee excuſed.* D. Fulk. anſ. to Hard. c. 6

4. The name of prieſt in our Language is appropriated to ſignifie no thing but a ſacrificer: ſo our beſt writers affirm: *Tindall, D. Fulke*: [the name of Prieſt is commonly taken to ſignifie a ſacrificer which is ἱερεὺς, in greeke, and *Sacerdos* in Latine: By which names the miniſters of the Goſpel, are never called by the holy Ghoſt:] ſo *Doctor Reynolds: the cuſtome of our Engliſh ſpeech hath made the name of Prieſts proper to a man appoynted to ſacrifice*: But the miniſters of the Goſpell cannot truely be called ſacrificers, becauſe they haue no body and outward ſacrifice to offer. Therefore they cannot in true ſenſe bee called Prieſts. Tynd. of the obed. of Chr. Fulk. loc. cit. Reyn. loc. cit. Heb. 10. 18

5. To call the miniſters of the Goſpell by ſuch a name, as is never read in the new Teſtament, is to put a ſcruple into the

the peoples heads, that our calling and office hath no ground, nor warrant in the Word of God.

But to call them by the name of Prieſts is to call them by ſuch a name, as is never read in the new Teſtament, in this ſenſe as hath been ſhewed.

Therefore to call them by this name is to put a ſcruple into the peoples heads that our calling and office hath no ground in the word of God. But this we may not, Ergo.

Anſw. to the petition p. 12. ſect. 5.

1. Obiect. *Eſ.* 66. 21. *Where the Geneva note doth ſhew that the miniſters of the new Teſtament, are to be termed Prieſts.*

Anſw. Wee had need make much of this Scripture: it is the onely place, that is alleadged in all the booke in any matter of queſtion: the very ſame prophet would haue taught them better: *ad legem & teſtimonium* &c. But to the point: *Eſay* doth not ſay they ſhall be called Prieſts, but *they ſhall be taken* לִכְהֻנִּים .i. into the place, and into the roome of Prieſts .i. to execute the ſame office and miniſterie of teaching and preaching in the new Teſtament, that the legall Prieſts did in the old: for nothing is more uſuall in the Prophets then figuratly under terms of the legal ſervice to ſet out the ſervice and worſhip that was to be uſed in the Goſpel, as *ibid.* there ſhal be an altar of the Lord in the midſt of the land of *Egipt*, & yet we may not gather thence

Eſay. 8. 20.

Deut. 33. 10

Eſay 19. 19

thence(as our brethrens logick will infer) that therefore the Lords table muſt be called an Altar,and not a Table, there be infinite examples to this effect. Now that *Eſay* ſpeakes not of the name of Prieſts, may appeare thus: 1. *Eſay* ſpeaks of *Luke* and *Timothy*,and *Titus*, the firſt preachers of the Gentiles: ſo ſaith the *Geneva* note which is alledged. But they as we heard before, were never called Prieſts. Therefore *Eſay* doth not here ſpeake of the name of Prieſts. 2. If our brethrens ſence be good, then the Miniſters of the Goſpell may well be called *Sacerdotes*, Sacrificers, for ſo is the Hebrew, כהנים: the Greeke ἱερεῖς. But thus they may not be called,therefore this cannot be the ſence. 3. If by this place of *Eſay* the preachers of the Goſpell may be called Prieſts,then by the ſame reaſon they may bee called Levits: for the words be thus: *Of them I will take for Prieſts and Levits.* But this were too too Iewiſh,and therefore as we ſaid, *Eſay* onely meanes, they ſhall haue the ſame place and office in the teaching of the Goſpell, that the Prieſts and the Levits had in the teaching of the Law: and this alſo is the plaine meaning of the *Geneva* note.

1. Cor. 10. 21.

D. Fulk anſ. to Hard. c. 5.

2. Obj. *Theſe tearmes be iuſtified by diuers of our learned Divines.* pag. 12. ſ. 5.

Anſw. Our beſt learned Divines are ſo farre from iuſtifying them, that they condemne

Conf. c. 8. ſ. 5. p. 619. condemne them. D. *Reynolds* ſaith, *Sith the name of Prieſts haue relation to Sacrifice, &c.* the charge of the Lord not to lay a ſtumbling-blocke, might haue remoued that name from the miniſters of the Goſpell, as the name of *My Baal, Hoſ.* 2.16. with him our learned men conſent, D. *Fulke, Whitakers*, and the reſt: yea ſome of us can remember ſince that Reverend Father D. *Heton*, being then Vice-chauncellor of *Oxford*, two Ieſuits were brought to the Aſſizes to bee arraigned for treaſon: the Doctor being requeſted by the honourable Bench to ſpeak ſomething to them, ſtood up and demanded of the Ieſuits what they were: They anſwered, that they were Prieſts. VVhy, ſaid he, there be but two approued orders of Prieſts that I can read of in the Scriptures, the order of *Aaron*, and the order of *Melchiſedecke*: I pray you of what order are you Prieſts? After ſome pauſe, one of them anſwered, they were Prieſts after the order of *Melchiſedeck*. Nay (ſaid the Doctor) that yee be not; for *Melchiſedeck* had neither beginning of his dayes, nor end of his life: but you both haue had a beginning of your dayes, and I beleeue ſhortly for your treaſon will haue an end of your liues alſo; and therefore yee cannot be Prieſts after that order. VVith this the poore Prieſts were daſht; the people laughed, and the Doctor was much com-

In Act. 14. in Teſt. Rhem. Whit. ut ſup.

commended. And if the new Vicechauncellour haue found out a third kinde of prieſthood, which the old Vice-chancellour never heard of, they may do well to enforme him of it at their leaſure: for our parts we muſt aſſent unto the Doctor, that there be no other prieſts approved in the word of God, but after one of theſe two orders, and therefore the Miniſters of the Church of *England* being prieſts after neither order, muſt leaue the prieſthood of the new Teſtament ſolely and entirely to the Son of God, and content themſelues with thoſe titles and names of Paſtors, Preachers, Miniſters, Elders, &c. wherewith the wiſedome of the Holy Ghoſt hath endowed them.

3. *Obiect. A Prieſt comes of* presbyter: *But the miniſters of the Goſpell are called* presbyteri. *Ergo they may be called Prieſts:*

Anſw. VVe hope men are not to learn now that words are not to bee taken according to their derivation, but according to their uſe, for an Idiot in our ſpeech commeth from ἰδιωτης: And yet he that ſhould ſay the Apoſtles might be well termed Idiotes becauſe they are called ἰδιωται, would prooue himſelfe little leſſe: ſo likewiſe a frier comes of *frater*, And yet he that ſhould argue that therefore the miniſters of the Goſpell may bee called friers becauſe they are called *fratres*, ſhould make but a frier-like concluſion Act. 4. 13. Col. 1. 1.

Aquin. 22. qu. 91. art. 1. 2.

sion. *Thomas Aquinas* might haue taught men this, that *aliud est etymologia nominis aliud est significatio. The derivation of a name is one thing and the signification another*, yea *Aristotle* can shew us that *verba significant ad placitum* .i. *they signifie not of themselves, but accordingly as people consent and agree to use them*, but the name of Priest by common use of our people, is taken up to signifie a sacrificer, *ut supra*. And therefore wee say of the name of Priests, as *Augustine* saith of the name of *fatum* which some expounded in a good sense, *sententiam teneat, linguam corrigat. Let him hold his meaning, but let him mend his speech.* VVherefore (most noble King) 1. seing the holy Ghost, who should be the framer of a Christians tongue hath kept a continuall distinction between the Priests of the Law and the ministers of the Gospell. 2. seeing it is one of the royalties of the sonne of God to bee accounted, and so called the onely Priest of the new Testament. 3. seeing in our office and ministery wee quite differ from the popish Priests and so should differ in our names also. 4. seeing the name of a Priest in our language imports a sacrificer, which no man of iudgement will say is a fit name for a minister of the Gospell. 5. seeing it leaues a scruple in the peoples heads. 6. seeing the soundest and the best divines in the land haue dis-

Arist. περὶ ἑρμην. lib. 1.

Aug. lib. 5. de civ. Dei. c. 1.

liked

liked the title. VVe therefore beſeech your moſt excellent Majeſty to take away the Popes liverie from us, and to beſtow upon us by your princely lawes thoſe names and titles, which the holy Ghoſt in great wiſdom hath aſſigned us. No doubt but to be continuall looking glaſſes and remembrances of our duty.

Againſt the Ring in Marriage.

THat there may be a civill uſe of the ring in Marriage wee make no queſtion: good divines approue it. At firſt it was uſed in the matrimoniall contract, as appeareth by that in the decrees: *poſtquam arrhis ſponſam ſibi ſponſus per digitum fidei annulo inſignitum deſpōderit &c. aut mox aut apto tempore &c. ambo ad nuptialia fœdera perducantur. After that in pledge the bridegroom haue eſpouſed unto himſelfe the bride, by putting upon her finger the ring of promiſe &c. either immediately after, or in convenient time, let thē both be brought forth to the marriage bond.* And if it had been ſo uſed ſtill, we know no body that would haue diſliked it, but to bring every humane invention into the Church of God and there, to offer it up to God in prayer, maketh us to renew that complaint of *Auguſtine. Ipſam religionem, quam paucis-*

Buc. loc. cit. Szeg. loc. com. p. 174. Piſc. ib Mat. 23-17. Nic. ad reſp. Bul. c. 30. q. 5.

Aug. ep. 119 ad Ianuar.

ſimis

ſimit celebrationem ſacramentis miſericordia Dei liberam eſſe voluit, ſervilibus oneribus ita premunt, ut tolerabilior ſit conditio Iudæorum, &c. That religion which God in mercy would haue to bee celebrated in a very fewe Sacraments, they ſo loaden with ſeruile burthens, as that the condition of the Iewes is more tolerable.

Beſide the words that bee uſed with it be ſo ſtrange in our language, (*With this ring I the Wed, With my body I thee Worſhip*) *&c.* that no man can make any ſenſe of them in true congruitie, and though happily there may bee ſome far fetched meaning of the words, yet there is not one of a thouſand among our people, that underſtands the meaning thereof: and who willingly in an actiõ ſo frequent & of that moment will make people ſpeake ſo, as the one ſhall not underſtand the other.

10. *Againſt long ſomneſſe of Service.*

1 Cor. 14. 4, 5. Act. 20. 32. Eph. 4. 12.

THat which ſerveth to the moſt edification and building up of the people of God, that muſt eſpeciallie be regarded in the Church aſſemblies. But preaching doth much more edifie and build vp the people of God, then this ſame long ſeruice.

Therefore it muſt rather bee reſpected.

Ambroſe

Ambroſe ſayd well vpon theſe words: let them ſpeake by two or three, *viz. Ne occuparent diem linguis loquentes & eorum interpretes, & non haberent tempus prophetæ Scripturas diſcernendi, qui ſunt totius Eccl. illuminatores. Let not them ſpeak with tongs, and their interpreters take up the day, ſo that the Prophets which are the light of the whole Church haue no time to open the Scriptures.* *Ambr. in* 1. Cor. 14

2. It is a rule in diuinitie that of two good duties, if a man cannot doe both in chriſtian wiſdome, he muſt do the better: So the Lord ſayth: *I will haue mercie and not ſacrifice*: And the Apoſtle ſayth: *Chriſt ſent me not to baptize, but to preach.* Math. 12. 7 1. Cor. 1. 17.

Now which of theſe two is the better (we meane not in it ſelf, but in regard of the edification of Gods Church) Let the ſcriptures decide: *Come, let us go up to houſe of the Lord.* And for what eſpecially, and cheiflie? *Ipſe docebit nos vias ſuas*, the eſpecial end is to know the wayes of God. *Bucer* vpon theſe words ſayth: *Precipuum opus indicatur veri chriſtiani cœtus ſincera doctrina & eius prompta obedientia. The principall work of the true Chriſtian congregation is noted to be ſincere doctrine & the ready obedience thereof.* See *Gratians* glose *ſect. Interogo.* Iſ. 2. 3 Lib. 1. de reg Chriſt. c. 3. Grat. 1. 93 1.

Therefore ſeing preaching is the better, when a man either through weaknes of body, or want of tyme cannot do both, wee take him bound to doe the better. i.

to preach to the people.

3. That which maketh the minister vnfitt to preach and the people vnfit to heare is to be amended. But so doth the same long and tedious service, *opus tripart.* In many Churches they read so long, as scarsely any heareth all, and if any stay there they commonly fall a sleepe: *bonum ergo fuit, ut ita temperatæ lectiones legantur in matutini, ut fragilitas humana præ tædio non recedat.* Synod. *It was good, that the lessons should be read in that order in morning prayer, that mens frailty bee not wearied with the tediousnesse.* *Augustine* saith: *ut nimia festinatio in missæ lectione religiosas aures offendit, ita incongrua prolixitas fastidium generat, mediocritatem igitur commendamus. As the hudling in reading the masse offendeth the ears, so excessiue tediousnesse is irckesome, whereas a mean between both is commendable.*

Opus tripart. lib. 3. c. 1.

Synod. Ang. c. 8.

Therefore this abuse ought to bee amended.

1. Obiect. *This well befits these mens great devotion.*

Answ. If this argue want of devotion in us, to abridge the longsomnesse of Church service for preaching, then surely the Doctors and Proctors and heads of houses in Oxford want devotion among whom no thing is more usuall in their Colledges, then to abridge the prayers to go to S. *Maries* to the sermon.

Answ. to the pat. p. 12. sect 6.

2. Againe, this is such divinity, as we

we never heard of to place all devotion in long prayer: the Phariſees were of this mynd, and *Euchits* of old, and the Monks, and friers of late; But our Saviour Chriſt belike meaſured devotion by ſome other rule, who taught his diſciples ſo ſhort a prayer. The humble publican ſaid no more but this, *God bee mercifull to mee a ſinner*. *Platina* writes of the Apoſtles that they did *conſecrare ad ſolam dominicam orationem*: he means they had no other ſet prayer: then the Lords prayer. What ſhall we think they wanted devotion alſo *Auguſtine* writes of the religious men in *Egipt: dicuntur fraters in Egipto crebras quidem habere orationes, ſed eas tamen breviſſimas & raptim quodammodo iaculatas. The Religious men in Egipt are ſayd to haue frequent prayers but the ſame very ſhort, and as it were by ſudden ejaculations*. This we ſpeak not to condemne long prayer when occaſion ſerveth. but to ſhew, that even they that uſe ſhorter praiers may be devout. Beſide all that we deſire to be abridged, is not prayer, but a number of Scriptures unhandſomly ſhredded and pared from the reſt, many times neither fitly ſorted, as the lectures of the law and Prophets were, nor truly applied to the preſent purpoſe.

Luc. 21. 47
Aug. de hereſ c. 57.
Math. 6. 9.
Luc. 11. 13
So Gregor. lib. 7. epiſt. 63.
Epiſt. 121.
Act. 13. 15.
On S. Michaels day the epiſt. is Rev. 12. 7. there was a batell in heaven Michael &c. as if this Michael ſighing for the church were not Chriſt. but an Angell.

2. Obiect. *Some of theſe preachers ſpend almoſt an houre in ſenſleſſe, and inconſequent prayer.*

 p. 12. ſ. 7.

Anſw. 1. If devotion be meaſured by our bretherns rule, then belyke thoſe men be full of devotion, for they pray long.

2. If ſome ſpend the time in ſenceleſſe and inconſequent prayer, what doth this preiudice thoſe faithfull and good teachers, that ſpend it better?

Ibid. 3. Obj. *From this diſlyke of all ſet and ſtinted frome of prayer &c.*

Vntruths diuerſe. *Anſ.* Doe the Petitioners diſlyke all ſet and ſtinted forme of prayer? doe they condemne the ſaying of the Lords prayer? doe they refuſe to vſe it? who told them ſo? In the beginning of their booke they ſay, wee maſke vnder vnknowne names, and yet now they can tell that *we diſlyke all ſet & ſtinted form of prayer, that ſome of vs omit the Lords prayer*, and ſome of vs refuſe to vſe it; theſe be the ſtrangeſt men wee haue heard of, who though they know not a man, nor his dwelling, nor his country, yet they can tell what prayers he vſeth in his Church. Nay they can tell his ſecret thoughts, that though he vſe the comunion book, yet he diſliketh all ſet and ſtinted kind of prayers. But that our brethren would willingly blindfould themſelues to traduce us: they might haue well conceived by our words, that wee diſlike not all kind of ſet prayer, becauſe we deſire not to haue the ſervice removed but to haue it abridged.

VVherefore (moſt noble King,) 1. ſeing preaching

preaching ſerveth moſt to the edification of the Church. 2. Seing when both cannot be done, the long prayer, and the preaching, it is Chriſtian wiſdom to do the better. 3. Seeing the practiſe of both our Vniverſities giues liberty this way. 4. Seing nothing but mockes and untrue tales be oppoſed againſt it, wee muſt renew our humble ſuite to your highneſſe, that the long and tedious ſervice bee abridged, where there bee preachers that bee able with their faithfull and godly laboures to take up the time better.

11. *Againſt the abuſe of Church ſongs and Muſick.*

WHETHER our brethren yeeld to this or no, we know not, they haue ſo pleaſed themſelves in a conceit of our moderation and the kings great devotion (as they terme it) in hearing the Organs, that they forget to tell us their reſolution: therefore wee will iuſtifie the equitie of our requeſt.

1. In the Church of God nothing ought to bee done, but that which ſerues to edification: this is *Pauls* rule. 1. Cor. 14. 26.

But the Church Muſick and ſongs, as they bee now uſed in Cathedrall Churches, and ſome Colledges with Organes

and descant foreward and backward serue not to edification.

Therefore it ought not to be permitted in the Church of God. The assumption or second proposition is proved thus.

If the Latine seruice in poperie served to no edification, because the greatest part understood not that which was spoken, then also this theatricall musick, wherein the greatest part understand no thing, serveth to as little. *Peter Martyr* one of their own authors approveth this, *nec iure potest* (saith he) *retineri fracta illa & Confragosa musica, qua ita detinentur astantes ut verba etiamsi velint percipere minimè queant. That broken and chaunting Musicke, by which the standers by cannot, though they would understand the meaning of the words ought not to be retained.* And so euen popish *Aquinas: huiusmodi musica instrumenta magis animum mouent ad delectationem, quam per ea formetur interius bona dispositio. These musicall Iustruments doe rather affect the mind with delight then further any good disspposition in him.* And therefore, as he saith the Church used not them. *Consil. Aquisgran.* Decreed well, *Psalmi in Ecclesia non cursim & excelsis inordinatis aut intemperatis vocibus, sed plane & dilucide & cum compunctione cordis recitentur, ut & cantantium mens illorum dulcedine pascatur & audientium aures pronunciatione demulceantur. Let not the Psalmes in the Church be hurried*

so Aug. terms it in psal. 32. com. c. 1.

Class. 3. c. 13 §. 29.

Aquin. 22. qu. 91. art. 2

Cõci. Aquis. con. 137.

over

over or ſung with loud, and ſtrained throats but plainely and diſtinctly, with feeling of the heart; ſo as both the minde of the ſinger may bee fed with the melodie, and the eares of the hearers refreſhed with the words.

2. That which draweth downe the mynde from meditation and heavenlie contemplation to ſenſuall and carnall delyte, is not fit to be vſed in the houſe of God, where all our affections are rather to be mounted, and to be lifted vp.

But ſoe doth the ſame light and theatricall kind of muſicke. Therefore it is not to be vſed in the Church of God. This reaſon hath both proteſtant and popiſh writers to approue it. *Peter Martyr* ſaith, If wee ſhould ſee at this day Chriſtian people runne to the Church as it were to a theater to delyte themſelues with muſike and ſongs, (as they daylie do at *Paules* church when the Organs and the anthems be ſung) *abſtinendum potius eſſet a re non neceſſaria: We ſhould rather abſtayne from a thing not needfull then by occaſion thereof hazard the ſoules of the commers.* So likewiſe *Thomas Aquinas* reſolveth in his ſumme. *Loc. cit.* *Aquin. vt ſupra.*

3. To bring in any part of the Leuiticall ſervice into the Church of Chriſt is vtterly vnlawfull, as the Apoſtle ſhews. *Heb. 7. 12.*

But this kynd of muſike by Organs and inſtruments was a part of Leuiticall ſervice.

2 Chr. 29. 25. vice. Therefore it is vtterly vnlawfull in the Church of Christ.

Bez. in colloq mompelg. part. 2. p. 36. Aquin. 22. q. 91. art. 2. arg. 4. Ibid. ad 4. *Beza* not onelie vrgeth this, but that deepe diuine, as they take him, *Aquinas* saith, the Church doth not receiue Musicall instruments to praise God with, *ne videatur iudaizare, Lest shee seeme to Iudaize.* And he giues good reason, why the Iews vnder the Law had such musick, and Christians haue none 1. becauſe in the old law the people were more carnall. And the second, becauſe theſe instruments did figure some things to come, namely the spirituall ioy, which we haue in Christ.

4. That which Christ and the Apostles, and all the godly Fathers of the Church for six hundred years together thought to be the fittest, and meetest musick for the Church, that must we think to be fittest, unlesse wee thinke to bee wiser then they. But Christ and the Apostles and all the godly fathers of the Church for 600. yeares and more haue taken plaine voyce musick, and not this kind of musick by Organes and descant to bee the fittest and meetest for Gods service, as appeareth by their practise, and precepts, *Math.* 26. 30. *Col.* 3. 16. *Plinie* saith of the first Christians, that they did *ante lucanos hymnos Christo Deo canere. Sing Psalmes to Christ the Lord in the morning before day,* And *Augustine* reporteth of *Athanasius: tam modico flexu vocis faciebat sonare lectorem.*

ὑμνήσαντες. Plin. apud Euseb. lib. 3. cap. 30. Aug. lib. 10. conf. c. 33.

rem Pſalmi, ut pronuntianti vicinior eſſet, quam canenti: Hee made the reader of the Pſalmes varie his voyce ſo little, that he ſeemed rather to ſpeake then to ſing. And *Hierome* diſlikes, that ſuch as ſing in the Church ſhould ſtretch their mouth and throat, as though they were at a play: And therefore this plaine voyce muſick is fitteſt to be uſed in the ſervice of God. *Ierom. epiſt. ad Epiphan, diſt. 82.*

1. *Obiect. Iuſt. martyr qu,* 107. *and Auguſtiue. lib.* 10.*c.*11. *allowe muſike.* *Anſw. to the pet. p.* 12.

Anſw. But what kynd of muſick doe they allow: Organs and curious pricke ſung? *Auguſtine* ſpeaks but of ſinging of pſalmes as may appeare in many places, that *liquida voce* with a cleare plaine voice, *& cõuenientiſſima modulatione* a moſt fit and ſeemely tune: for els where he profeſſeth, that where as ſome had brought in the vſe of the harpe and citharane into the Church, he by his authoritie remoued it. *Let no man maruaile,* ſayth he, *that wee haue caſt out the harpe, and behold it is commanded to ſound, ſaying, prayſe the Lord vpon the harpe: nemo convertat cor ad organa, quod ei iubetur in ſe habet. Let no man ſpend his efection vpon the muſicall Inſtruments, being to make melody in himſelfe.* *Aug. lib. 9. confeſſ. c. 6. & 7. & Epiſt. 119. c. 18.* *In. Pſal. 32. com. 1.*

For *Iuſtin Martyr* (though that bee none of his work) becauſe he there citeth *Origen,* (who liued after) yet whoſoeuer is the author, he is directly againſt *Author apud Iuſtin. q.* 107.

our

our brethren; as diriectlie for us in this cauſe: *Inſtruments* (ſaith he) be not vſed in the Church of God: *ſed ſimplex cantio in eis manet: there is nothing but plain ſinging: nam canere inſtrumentis in animis puerorum eſt: To vſe inſtruments is for babes and children. Itaq; in eccleſijs ſublatus eſt tantum inſtrumentorum vſus, & relictum eſt canere ſimpliciter*: ſo that our brethren thinking by theſe authorities to helpe their cauſe, haue indeed cut the throat of it.

Lib. 4. Chronol. p. 729.

The Papiſts themſelues confeſſe, that their harmonicall muſicke is much later then *Iuſtine Martyr*, or *Auguſtine* either. *Genebrand* confeſſeth that Pope *Conſtantine* ſent Organs to King *Pippin anno* 757. as yet unknowne to the Germanes and Frenchmen: and *Beza* ſheweth by good authorities, that they were firſt brought in by Pope *Viteliane* at the ſooneſt, and into *France anno* 878. So long the Churches of Chriſt ſtood without them: and it had been well with them if they had ſtood ſo ſtill.

Colloqu. Mompelg. par. 2. p. 37.

VVherefore (moſt noble King) 1. Seing this theatricall Muſicke ſerveth not to edification in the Church, to the which all things there uſed ſhould ſerue by the Apoſtles rule. 2. Seeing it hindereth edification in withdrawing the minde from contemplation, and pulling it down to carnall delight. 3. Seeing it was a part of the Leviticall ſervice, which is

now

now ceaſed in Chriſt. 4. Seing plain voice muſicke was taken to be fitteſt for Gods ſervice by Chriſt and the Apoſtles, and all the Fathers in the beſt times of the Church; we moſt humbly entreate your maieſty, that this ſtage-like muſicke may be removed, and that which is fitteſt for edification, and beſt beſeeming the ſpirituall worſhip of the Goſpell may be retayned.

12. *Againſt the prophanation of the Lords day.*

HErein we both conſent, *Hee is very prophane* (ſay our brethren) *that deſireth not this from his heart.* Now wee heartily thanke the holy God of Heaven even for this; and we pray him that hath begun this good in our brethren, to encreaſe it to the day of Ieſus Chriſt. *Anſw. to pet. p. 12.*

Indeed the ſanctifying of the Sabbath is it that giveth life to all religion: and therefore this being once well ſetled, all religious and Chriſtian duties will quickly follow. *Eſay. 58. 13* *Exod. 31. 13*

VVherefore (O moſt noble King) not onely we the miniſters that deſire reformation, but both your Vniverſities, the Vice Chancellors, Doctors, and heads of houſes, and the reſt of the learned Clergy and obedient ſubiects, expect this at your

Highneſſe

Highneſſe hands, that as you haue by your moſt Chriſtian proclamation giue charge for the ſanctifying of the Lords day and for reſtraining of idle ſports and games upon it (as the godly Emperours and Kings haue done before) So becauſe through the backwardnes and diſorder of many brutiſh people, that day is not yet ſo carefullie regarded as it ſhould bee: It will pleaſe your highneſſe ſo ſoone as God ſhall giue opportunitie, to enact it as a Law, that all your Maieſties people may not onely keep a reſt, but a religious and holy reſt upon that day. VVee know your highneſſe knoweth the largeneſſe of your gates, that they be as large, as your kingdom, and therefore will provide by godly and wholeſome lawes, according to the charge of your God, which is uppon you: that all within your gates. i. within your higneſſe government and dominions ſhall keepe the day of the Lords reſt in all the holy duties and ſervices of it.

Conſtant. Euſeb. lib. 4. c. 19. Theodoſ. & Valent. c. de. feriis. Carolus. magn. 139. K. Canutus K. Inas. in martyrol. Fox p. 73. Gythcon. K. of Danes. ibid. p. 755. Exod. 20. 10.

13. *That the reſt upon holy dayes be not ſo ſtrictly urged.*

Argument. 1. IF Saints dayes may without any offence to God bee remooved, then the ſtrict obſervation thereof ſhould not be ſo ſeverely urged.

But the firſt is true: for ſome Churches reformed

reformed haue *de facto* taken them away, as brought in by men: and *de iure* they might ſo do: becauſe the keeping of ſuch times without ſpeciall commandement, ſeemeth to be *an obſerving of dayes*, contrary to the Apoſtle. *Gal.*4. 10. and a conſecrating of them, to the memory of men, which ſhould onely *be obſerued to the Lord Rom.*14.6. As *Ambroſe* well ſaith: *qui calendas Ianuarias colit, peccat, quoniam homini mortuo defert diuinitatis obſequium, he that keepeth the calends of Ianuarie, ſinneth, becauſe he giveth diuine worſhip to a dead man,* his reaſon is as good againſt holy dayes, kept in the memory of Chriſtian men, as Pagans: for divine honor ſhould be yeelded to neither, *Amb. ſer.* 17

*Arg.*2. There ſhould be a diffrence made between the reſt upon the Lords day, and other holy dayes. But now there is no difference, the reſt being as ſtrictly urged upon the one day as the other: Ergo.

The propoſition is thus proved. 1. The Lord himſelfe maketh a differenee betweene the Sabboth, and other holy dayes of his own appointment: for upon the paſſeover day it was lawfull to dreſſe that, which they did eate, *Exod.*12. 16, But not ſo upon the Lord day. *Exod.* 16.22.3. 2. the Sabboth is of the Lords inſtitution, and ſo preciſely to be kept: holy dayes are but an Eccleſiaſticall conſtituon) and therefore not in the obſervation

Difference to be made in the obſeruatiō of the Lords day and other holy dayes.

tion to bee made equall to the other. 3. the reſt upon the Lords day doth ſimply bind in conſcience, as all the commandements of God doe: the reſt of holy dayes doth not ſimply bind in conſcience, in reſpect of the thing commanded, but as we are bound in conſcience to obey our gouernours in all lawfull things: *for there is but one lawgiuer which is able to ſaue and to deſtroy. Iam.* 4. 12. 4. the conſtitutions of the Church haue obſerued this difference, making greater reſtraint of labour upon the Lords day, then upon other feſtivals: upon the Lords day all *ruralia opera*, works of husbandrie are forbidden: *Cabilonenſ. c.* 18. *itinerari cum caballis, to trauel with horſe or oxen. Aurelian* 3. 27. to keep Fairs, or Markets upon the Lords day. *Coloni.* part. 9. c. 10. no courts or pleas then to be holden: *Tarraconenſ.* c. 4. no danſing, or playes, or ſhewes to bee uſed: *Mogunt.* c. 61. All theſe canons and many more prouide onely or chiefly *pro diebus dominicis, for the Lords dayes.*

Argu. 3. That liberty which God hath
Exod. 20. 6 given to worke ſix daies, ought not (where there is no urgent neceſſity) to be reſtrained, eſpecially where there is a neceſsity to labour: for where neceſsity requireth, wee deny not but a day of ceſſation may be enioyned upon the worke dayes, as when a generall day of faſt, or of thankſgiving is proclaimed: yet euen upon

theſe

theſe daies, neceſſary labours are excepted.

But the reſt of holy daies is upon no neceſſity: yea many pore men working a craſh for neceſsity haue been fetched to the Courts, and forced to pay large fees: *Ergo* it impugneth the liberty which God hath given, and ſo is unlawfull as it is urged.

Arg. 4. This reſt upon holy daies miniſtreth occaſion of idleneſſe, haunting of Alehouſes, unlawfull gaming, which are twice ſo offenſiue as working. Men keep them as the Iſraelites kept holy daies; *They ate, they drunke, and roſe up to play. Exod.* 32. 6. As *Ambroſe* ſpeaketh of the Gentiles feaſts, *Vides quomodo conuiuia ſua adornent, feſta annuntient, ſed pijs mentibus infeſtiora ſunt. Yee ſee how they adorne their feaſts, and proclaime their feſtivals, offenſiue to all good mindes, &c.* *Epiſt.* 4.

Ergo this ſtreight urging of holy daies reſt, as miniſtring occaſion of evill, ought to bee qualified, if not aboliſhed.

Arg. 5. It is more lawfull by the lawe to worke upon holy daies, then for Iudges to keepe Courts, and heare ſuits. The Imperiall commandeth, *omnes Iudices ceſſent: that all Iudges ſhould ceaſe upon the Lords day:* but it permitteth *ut agrorum culturæ inſerviant. that they may follow husbandry upon that day.* Yet for this wee cite not the Imperiall, but onely to *Cod. lib. 3. tit. 12. leg. 2 Theodoſ.*

ſhew

ſhew the difference of theſe two workes.

But upon all holy daies in terme time (excepting foure, viz. the *Aſcenſion*, *Iohn Baptiſt*, *All-Saints*, and the *Purification*) the Iudges keepe their Courts in *Weſtminſter Hall*. *Ergo* as well by the civill Law may Countrey men follow their ruſtall workes.

Arg: 6. VVe will laſtly ſhew the practiſe of the Church for liberty of working upon holy daies.

Gregorie 1. calleth them *predicatores Antichriſti*, preachers and Prophets of Antichriſt, *qui die ſabbati operari prohibent*, *which forbid to work upon ſaturdayes*: But ſo doe the ſpiritual courts prohibit to work upon that day, when it falleth out to be a feſtivall.

lib. 2. epiſt. 3. decr. par. 3. diſt. 3. 6. 22.

Leo & *Anthenius* provide onely in their conſtitutions for the Lords day: *Nec huius religioſi diei* (i. dominici) *otia relaxantes &c.* *and preſcribing the reſt of this religious day*, *yet We would not haue it ſpent in filthy pleaſures*: and the law gives a reaſon, calling the *dominical* daies, *dies feſtos maieſtati altiſſimæ dedicatos*: *feſtiuals dedicated to the higheſt maieſty*, whereas the reſt were dedicated to Saints. *Simon Iſlip* Archbi. of *Canturburie* forbiddeth upon paine of excommunication: that people ſhould not abſtain from labour upon certaine Saints dayes, which were before conſecrate to vnthriftie idleneſſe.

Fox Martir. p. 393.

Reformat.

Reformat. Ratisp. artic. 20. *in minorib. festivitatib. &c.* in the lesse festivals we give libertie after service done, for men to go to their work.

Treverens. sub Ioan. c. 10. *usque in meridiem in festis dieb. seriari volumus &c. Wee will haue mē to keep holy day till none, & then go to their worke*: Thus was it decreed in Popery, when they had many blind Saints dayes, which we obserue not now: But as they dispensed with their lesse festivals so among Protestants, the rest of the holy dayes (which are the least) might be released; so that in time of divine service labour be forborne.

Obiections answered.

Obiect. 1. *WOuld they haue men upon such dayes to go to plough and cart.*

Answ. to Petition. p. 13.

Answ. 1. Would yee haue them go to dice, tables, quaffing, daunceing (as the common use is) which is the worse, wee pray you? *Augustine* thus saith of the Iewes sabbatizing: *melius toto die foderent, quam saltarent: they might better delue all the day, then daunce all the day.* 2. And why might not men be suffered to follow their vocation upon such dayes (so it bee not done with contempt of divine service, as the reason is given in the Law: *quia non*

Aug. in Psal. 32. *par.* 1.

aptius alio die frumenta ſulcis, aut vineæ ſcrobuli mandãtur: it falleth out that no day is fitter to ſow corne, and ſet vines in: the ſame law alſo giveth liberty for like workes to be done upon the Lords day: But therein it muſt giue place to Gods law.

Cod. lib. 3. t. 12. leg. 3.

Obiect. 2. *As ſome of their humor haue cauſed their ſervants to do on the feaſt day of Chriſt: Anſw.* to petit. ibid.

Anſw. This is a moſt untrue aſſertion, that the petitioners or any like minded to them haue cauſed their ſervants to go to plough or cart upõ that day. 2. VVe make great difference betweene the holy dayes conſecrated to the honour of Chriſt, and the other: which are memorials of men: VVhich difference both the Imperiall and Eccleſiaſticall lawes obſerue. *Cod. lib.* 3. *tit.* 12. *leg.* 7. all the Saints dayes are omitted: onely the Lords daye with the feſtivals of Chriſt, his nativitie, circumciſion, the Epiphanie are decreed to bee holy dayes: So likewiſe Concil. Agathenſ. c. 94. cited Cauſ. 7. qu. 1. c. 29.

Great untruth.

VVherefore (O moſt noble King) 1. ſeing holy dayes of Saints might be altogether ſpared. 2. and that difference betweene them and the Lords day ſhould be obſerved 3, ſeeing poore men are forced upon neceſſity to labour upon ſuch dayes. 4. Idle and unthrifty perſons, are occaſioned by ſuch play-dayes to do evill. 5. ſeing the practiſe of the honorable Courts

allow

it. 6. lawes and cannos haue decreed it: It may pleaſe your moſt excellent Maieſty, that your pore ſubiects be no more vexed and troubled in Eccleſiaſticall courts, for following their neceſſarie labours upon holy dayes) ſo it be out of the time of divine ſervice) for the ſuſtentation of their families: As in time of poperie the poore Saints were troubled for the ſame: as *Iſabel Tracher*, was perſecuted for working upon an holy day; *William Wingraue* & *Thomas Haukes* for the like: That your excellent Maieſtie reſolue with the Chriſtian Emperour *Conſtantine, A nullo &c, preſumi debet, ut authoritate ſua ferias condiat*: that none preſume by their own authoritie (without Gods & yours) to make ſuch holy dayes to reſtrain all labour.

THE DEFENCE OF THE FIRST PART of the petition concerning Church Service.

ARTIC. 1.

Of uniformity of doctrine.

Obiect. *WHAT imputations are theſe, &c. What ſhameleſſe ſuggeſtions, as though there were no uniformity nor conſent of doctrine among us.*

Anſw. 1. Are our brethren ſo ignorant that they know not, or ſo wilfull that they will not acknowledge how by diverſe both in their preaching and writing, opinions haue been taught, and defended not having a ſmattering onely, but a rank taſt of Popery. VVhat ſay you then to theſe poſitions: *there is in man naturally that freedom, whereby he is apte to take or refuſe any particular obiect.* The like poſition

Popiſh poſitions.

Hooker, lib. 1 1. p. 60. & 61.

the

the *Rhemists* hold, *it lieth in man to giue consent, holpen also by grace.* Annot. Apoc. 3.4. they giue not a full sufficiency or ability but an aptnesse & inclination to free-will by nature to consent to any obiect.

There are Works of supererogation, that a man may doe more, and God approue much more, then he commandeth. So say the *Rhemists: the Workes that Wee doe more then precepts, bee called Works of supererogation, Whereby it is evident against the Protestants, that there be such Works. Annot. in Luc.* 10. *sect.* 3. Hook. lib. 2. pag. 122.

That the Ch. of Rome is the family of Iesus: whence it wil follow that the pope is not Antichrist, who cannot sit in the family of Christ. So the *Rhemists* call it *the Church and house of Christ*, confuted therein by our divines as D. *Fulk.* Math. 16. sect. 10. Hook. lib. 3. p. 130.

That the Sacraments are morall instruments of salvation, and in their place no lesse required then faith it selfe: This differeth not far from that popish position, *that the sacraments giue and conferre grace*, Rhemist. act. 22. sect. 1. Lib. 5. p. 128. p. 133.

That the Scriptures and nature ioyntly not severally are compleate unto everlasting felicitie. Lib. 1. p. 88

VVhence it followeth that the Scriptures severally by themselves are not compleate to salvation: VVhat other thing is affirmd by the Rhemists, saying *the Scripture containeth not al necessary truth. Heb.* 9. *s.* 2.

That the Sacraments are no Sacraments without the ſerious meaning and intention of the Miniſter: the like aſſertion *B. Iewell* confuteth againſt *Harding* calling it *the very dungeon of uncertainty to ſtay upon the intention of a mortall man*. Reply art. 61. p. 534.

ib. 5. p. 735. *Infants if they haue not baptiſme howſoeuer, &c. the Church as much as in her lyeth caſteth away their ſoules*. So the *Rhemiſts* ſay, *no man can enter into life everlaſting unleſſe hee bee baptized of water and the Holy Ghoſt*. Annot Iohn. 3. ſect. 2. This poſition of the neceſsity of baptiſme, that infants, dying without it are damned, hath been of late publickly taught, with other poſitions of the like nature, by an unſound dogmatiſt in Northamptonſhire, as we are enformed. All theſe & divers ſuch like popiſh paradoxes haue been broached & ſet a foote in publick writing, and ſince the Authors death haue been again revived (with whom we wiſh they had been buried) and defended by publick writing to the great offence of ſincere Proteſtants and the no ſmall ioy of ſuperſtitious Papiſts: of this ſort and ſavouring of the ſame leauen are theſe ſuch like doctrines, *that iuſtifying faith may be loſt: that it is not proper to the elect: that a man cannot be ſure of his ſalvation: that a man hath free will to beleeve: that Chriſt died not onely for the Elect*. Theſe and ſuch like poſitions haue been publickly

By one Butler a Commiſſary.

ly by ſome maintained, both in pulpits and Scholes: How then are not our brethren aſhamed to call theſe *falſe imputations* and *ſhameleſſe ſuggeſtions*.

2. VVee charge not the Leiturgie with Popiſh opinions, though we wiſh it diſcharged of ſome needleſſe ceremonies: and what a ſimple argument is this; The book containeth no popiſh opinions: Ergo none haue been taught in the Church, or there is a book of articles of religiõ agreed upõ, & in thẽ an uniformity of doctrine in ſom things: Ergo there is an uniformity of doctrine preſcribed for all other points. There are diverſe hundred points of doctrine, wherein Proteſtants and Papiſts diſſent; the fourth part of them is not conteyned in that booke. VVe reverence and allow that book, and wiſh, that what is wanting may be added, that an uniformity of doctrine may be agreed upon for all other poynts of doctrine, as is done for thoſe already there expreſſed. *Vnifomitie of doctrine.*

3. VVee put not weapons into the adverſaries hand to wound us, which complaine of unſonnd teaching, but they giue occaſion & advantage to them that depart frõ the currãt doctrine of the Proteſtants, and refine over the old Popiſh dregges. VVherefore our brethrens words (*it had been good that theſe men had been never able to Write, then to Write thus to the ſcandale of Gods Church and his ſacred truth*) might

more truly haue been uttered againſt thoſe that haue thus in their writing maintained corrupt popiſh doctrine, then againſt them that haue profitably employed both their tongues and pennes againſt the common Adverſarie. How far now are our Brethren from the Spirit of *Moyſes*, who wiſhed *that all the people of God could prophecy*. And our Saviour biddeth us to pray *the Lord of the harueſt to ſend forth labourers into his harveſt*. But theſe wiſh that many profitable men had been never able to write.

Numb. 11. 28.

Mat. 11. 38

VVe may ſay to them as *Hierome* to his adverſary: there are Papiſts among us, Atheiſts, Familiſts, &c. VVhy do they not taxe them, haue they a ſpite onely at us? doe wee onely make a rent in the Church that communicate with the Church: *Nos ſoli qui Eccleſiæ communicamus: Eccleſiam ſcindere dicimur.*

Hier. ad Theophi. adverſ. Ioan. Hieroſ.

Artic. 2.

Of bowing at the name of Ieſus.

Obiect. *REverence done at the name of Ieſus is not ſuperſtition, &c. But an apparent token of devotion: Why doe they not find fault likewiſe with kneeling, ſighing, weeping, &c.*

Anſw. 1, How followeth it? wee may kneele,

kneele, ſigh, weep, knock upon our breſts, hold up our hands to heaven in our prayers: *Ergo* it is lawfull to bow at the name of *Ieſus*: ſeing for the one we haue warrant both by precepts and example of Scripture, and ſo wee haue not for the other. 2. In that the knee is bowed rather at the name of Ieſus then of Chriſt, or of God the Father, and God the holy Ghoſt, it is evident that this reverence is done to the name, not to the divine Maieſty, which equally in all theſe names is to be adored: if then the ſound of the name be adored, it is ſuperſtition: if the perſon, it bringeth an inequality of the Godhead. 3. As well may the name of Ieſus be bowed unto, when it is ſeene painted or written in the glaſſe windowes, as when it is pronounced: for why ſhould not the ſight thereof be as holy to the eye, as the ſound to the eare? And indeed thus a certaine late Popiſh Synode perſwaded to kneele down before an image becauſe the people bow at the name of *Ieſus*: theſe are their words: *Nec maiori idololatriæ periculo, quam ad nomen Ieſu genu flectitur: quem enim vocula curſim auribus inſinuat, hunc eundē fidelibus oculis imago repræſentat*. 4. The petitioners therefore had good cauſe to moue, that miniſters be not (contrary to their indgement & conſciece, wit hout warant of the word) to teach their people: for that place which is commonly alleadged *Phil.* 2. 10.

God

God hath given him a name aboue all names, that at the name of Ieſus ſhould every knee bow, both of things in heaven, things in earth, &c. can haue no ſuch meaning. 1. The Apoſtle ſpeaketh not of the outward knee for the Angels haue no ſuch knees, wᵗ notwithſtanding do bow at the name of Ieſus, as the Apoſtle ſaith: *let all the Angels of God worſhip him.* And *Ambroſe* ſaith: *agnoſcentes Angeli myſterium genu illi flectentes: the Angels do bow their knees.* 2. Neither doth the Apoſtle ſpeake of a name conſiſting of letters and ſillables, but of the divine power given unto Ieſus, that ſhall be adored of all, as the Prophet expoundeth: *every knee ſhall bow to him, and every tongue ſhall ſweare by him.* This argument is urged by *Ambroſe, nomen quod eſt ſuper omne nomen, &c. this name aboue all names is the name of God: if this name did not conſiſt by nature, it were not aboue every name: appellatiuum enim nomen in ſolo vocabulo eſt, non in natiuitate naturæ: a name appellatiue is onely in the word, not in the naturall generation.*

Hebr. 1. 6.

Ambroſ: in 1. Tim. 3.

Eſay. 25. 23.

Ambr. in Ph. 2. 2.

3. *Of the puklick reading of Apocrypha.*

Obi. *THEY are groſſely ignorant, if they know it not, or wilfully malitious, &c. if knowing they impugne, &c.*

Anſw.

Anſw. 1. I hope our brethren will not account Reverend *Biſhop Iewell* either groſſely ignorant, or wilfully malitious and turbulent, though they ſo call vs at their pleaſure, who proueth out of the *Laodicene* and *Hipponenſe Councell*, as alſo out of *Chriſoſtome*, and the decrees of the French Kings liues, and *Charles*, that nothing ſhould bee read in Chriſts congregation but the Canonicall Scriptures: The words of the *Laodicene Councell* are theſe: *non oportet libros qui ſunt extra canonem, legere, niſi ſolos canonicos veteris & noui teſtamenti.* 2. *Hierome* himſelfe, (who is here obiected giving way to thoſe times, ſeemeth ſometime to tolerate the reading of the Apocriphall books for the ſtories ſake, yet wiſheth the ſame to bee done cautelouſly: *Caveat omnia Apocrypha, &c. Take heed of the Apocrypha*; and if any will read them, not for the worthof doctrine, but reverence of the ſtory, know he that they are not theirs, whoſe title they beare: *Multaque his admixta, vitioſa, & grandis eſſe prudentiæ aurum in luto quærere. And that many faulty things are mingled, and it is a prudent part to ſeeke gold in the mire.*

Defenſ: Apol: p. 571.

Laodicen: canſ: 59.

Hierom: ad Letam.

3. *But the Apocrypha giue light to the diuine ſtory.*

Anſw. So doth *Ioſephus* and *Plinie*, with other foraine writers: doth it follow therfore that they ſhould bee read in the Church;

Church; though they giue ſome light, yet the Scripture giueth to it ſelfe a greater light: which as his Maieſty ſaith: *is alwayes the beſt interpreter of it ſelfe.* And in another place his Maieſty excellently writeth: *We are taught, onely to uſe Scripture for the interpretation of Scripture, if we would be ſure, and never ſwarue from the analogie of faith in expounding.*

Βασιλ. p. 10 Meditat. in 20. Revel.

4. Our reaſons againſt the publick reading of Apocripha are theſe. 1. In the Church of the Iewes in the Apoſtles time onely *Moyſes* and the Prophets were read. Act. 13. 15. & 15. 22. 2. The Scriptures are ſufficient both for doctrine and manners, 2. *Tim.* 3. 16. 3. Becauſe the Apocrypha books, as *Hierom* ſaith, contayne many falſities mixed with truth. The contradictions between the Canonicall book of *Eſther*, and the Apocryphall are divers, and not to be reconciled, as the learned haue noted: the ſtory of *Bell* and the *Dragon*, *Hierom* calleth fables: and ſo doth *Auguſtine* in *Tobie* the Angell is broght in to tel a tale, that he was of the ſtock of *Azarias* c. 5. 8. The devil is driven away with the ſmel of a broiled liver. c. 8. 3. The ſtory of *Iudith* commendeth ſuch trickes and deviſes, as became not the modeſty of a woman profeſſing vertue. *Eccleſiaſticus* telleth us that *Samuell* prophecied after hee was dead. c. 46. 20. In the

Conſule Whit. q. 1. de ſcript. c. 18. Præf. in Dan. Aug. de mirabilibus. lib. 2. c. 32.

the *Macchabees*, *Iudas* is commended for offering sacrifice for the dead, *l.2.c.12.* *Razis* extolled for killing himselfe. l.2.c. 14. v. 42.

4. Books that beare false titles are not to be read in the Church, which the Canon calleth ψευδεπιγραφα. *can. Apost.* 59. but such are the Apochriphall books. *Hierom* saith: *non eorum esse, quorum titulis prænotantur: they are not theirs whose title they shew. Augustine* saith, that the booke of wisdome is thought to bee *Salomons, propter non nullam eloquij similitudinem, but for some likenesse of the style: l.17. de Civ. Dei c.20.*

5. That which giveth occasion of error, should not be admittted: but the reading of Apochripha is occasion of errour; to induce the people to thinke that they are Scripture: And therefore the *Laodicene* Councell ioyneth both these together *quæ oportet legi, & in authoritatem recipi, hæc sunt: these are the books which ought to be read and received into authority. can.59. Ergo &c.*

Lastly, what other thing haue the petitioners here moved, then his Maiesty hath first written: As to the Apocripha books *I omit them, because I am no Papist, and indeed some of them are no wayes like the ditement of the Spirit of God.* I hope now our brethren will leaue for the urging of this point of those fierce termes of *grossely*, Βασιλ. p. 10.

ly, ignorant, wilfully malicious, and turbulent, lest wee say to them as *Augustine* to *Iulian*, when hee had produced *Hilarie* against him: *nunc ergo ne tuis stomachi fellis indigesta maledictorum eruditate rumpatur, in hunc evome si audes calumnioſas tuas vanitates: Now lest your stomacke burst with undigested rankor, cast it upon him, if you dare, &c.*

lib. 2. cont: Julian. pelag

THE DEFENCE OF THE SECOND part of the Petition concerning Church *Ministers.*

1. *Of a learned Ministry.*

FIRST in that we desire that none but *Preachers from hence forth bee admitted to the ministrie*: what do our brethren meane to impugne so honest and reasonable a petition; doe we herein request any more then his Maiesty hath in his princely Book approved, thus writing: *see all your Churches within your Dominions planted with good pastors*: what is there now so grosse in our Church which these men will not mayntayne, taking vpon them to iustify an vnlearned ministery.

Basil. p. 43.

miniſtery, vnleſſe they miſtike this motion becauſe it proceedeth of vs *Hierome* ſayth *in alijs probant quod in me reprobant, quaſi virtus & vitium non in rebus ſit ſed cum authoribus mutetur. They like that in others, which in me they miſlike, as though good and evell were not in the things, but altered with their authors.* præfac. in paralip. 2. what reaſon had they for the Lord day, which terme the petitioners vſe, to ſay Sunday? Doth this name which was inuented of the heathen, better like them then the name of that day, found in ſcripturs: Or did not the fathers much miſlike thoſe heatheniſh names of the dayes of the weeke? As *Auguſtine* thus writeth of *dies Mercurij nolumus vt dicunt atq; vtinã corrigantur ne dicant. We would not haue men cal it Mercury day or Wedneſday? and I wiſh that order were taken, that they might not ſo call it.* The very papiſts themſelues confeſſe that the word Sunday is an heatheniſh calling. And ſome of our beſt writers acknowledge that the name of Sunday & the reſt had an heatheniſh beginning, & therefore were better to bee otherwiſe termed. But paſſing over theſe lighter matters wee will firſt produce our reaſons for a learned Miniſtry: and then examine theirs in-iuſtification or excuſe of an vnpreaching order in the Church.

Of the name of Sunday.

Apoc. 1. 10. ἐν τῇ ἡμέρᾳ κυριακῇ.

Pref. in Pſal. 43.

Fulk Rhemiſ annot. in apoc. 1. 10.

Reaſons

ly, ignorant, wilfully malicious, and turbulent, leſt wee ſay to them as *Auguſtine* to *Iulian*, when hee had produced *Hilarie* againſt him: *nunc ergo ne tuis ſtomachi fellis indigeſta maledictorum cruditate rumpatur, in hunc evome ſi audes calumnioſas tuas vanitates: Now leſt your ſtomacke burſt with undigeſted rankor, caſt it upon him, if you dare, &c.*

lib. 2. cont: Julian. pelag

THE DEFENCE OF THE SECOND part of the Petition concerning Church *Miniſters.*

1. *Of a learned Miniſtry.*

FIRST in that we deſire that none but *Preachers from hence forth bee admitted to the miniſtrie*: what do our brethren meane to impugne ſo honeſt and reaſonable a petition; doe we herein requeſt any more then his Maieſty hath in his princely Book approved, thus writing: *ſee all your Churches within your Dominions planted with good paſtors*: what is there now ſo groſſe in our Church which theſe men will not mayntayne, taking vpon them to iuſtify an vnlearned miniſtery,

Basil. p. 43.

miniſtery, vnleſſe they miſtike this motion becauſe it proceedeth of vs *Hierome* ſayth *in alijs probant quod in me reprobant, quaſi virtus & vitium non in rebus ſit ſed cum authoribus mutetur. They like that in others, which in me they miſlike, as though good and evell were not in the things, but altered with their authors.* præfac. in paralip. 2. what reaſon had they for the Lord day, which terme the petitioners vſe, to ſay Sunday? Doth this name which was inuented of the heathen, better like them then the name of that day, found in ſcripturs: Or did not the fathers much miſlike thoſe heatheniſh names of the dayes of the weeke? As *Auguſtine* thus writeth of *dies Mercurij nolumus vt dicunt atq; vtinã corrigantur ne dicant. We would not haue men cal it Mercury day or Wedneſday? and I wiſh that order were taken, that they might not ſo call it.* The very papiſts themſelues confeſſe that the word Sunday is an heatheniſh calling. And ſome of our beſt writers acknowledge that the name of Sunday & the reſt had an heatheniſh beginning, & therefore were better to bee otherwiſe termed. But paſſing over theſe lighter matters wee will firſt produce our reaſons for a learned Miniſtry: and then examine theirs in-iuſtification or excuſe of an unpreaching order in the Church.

Of the name of Sunday.

Apoc. 1. 10. ἐν τῇ κυριακῇ ἡμέρᾳ.

Pref. in Pſal. 43.

Fulk Rhemiſ annot. in apoc 1. 10.

Reaſons

Reaſons and arguments ſhewing the neceſsity of a learned Miniſtry.

Arg. 1. THE Lord ſayth by his prophet, *becauſe thou haſt refuſed knowledge I haue refuſed thee, thou ſhalt be no Prieſt vnto mee Hoſ.* 4. 6. ſo ſayth *Gregory qui quæ Dei ſunt neſciunt, a Deo neſciuntur: they which know not the things of God, are not knowen of him. Paſtorol: par.* 1. *c.* 11.

A learned Miniſtery neceſſary.

Arg. 2. Paſtors and Miniſters are the Lords ſtewards 1. Cor. 4. 1. but no man will appoynt an vnſkilfull ſteward ouer his houſe, as our Sauiour ſayth *who is a faithfull ſeruant and a wiſe whome his Maſter hath made ruler ouer his houſhould to giue them meat in due ſeaſon. Math.* 24. 25.

Ergo ignorant & unfit perſõs much leſſe are to be ſet over the Lords houſe, *Ambroſe* ſaith: *Si terreſtrium rerum diſpenſatores idonei quærẽdi ſunt, quanto magis cœleſtiũ, if fit ſtewards of earthly things muſt be ſought for, much more of heavenly. in* 1. *Tim.* 1. 3.

Hier. ad Heodor.

Arg. 3. *Hierom* urgeth to this purpoſe that ſaying of our Saviour, *ſi inſatuatũ eſt ſal, &c. if the ſalt looſe his ſavour, it is good for nothing, but to be caſt out. Mat.* 5. 13.

Ergo ignorant miniſters as unfatuate and unſavory ſalt, ſhould be caſt out.

Arg. 4.

Arg. 4. Ignorance is excuſable in the people: *my people goe into captivity becauſe they haue no knowledge*: *Eſay.* 5.13. much leſſe is it to be ſuffered in the Miniſter: this reaſon is alleadged by *Leo*: *ſi in laicis vix tolerabilis videtur inſcitia, quanto magis in ijs, qui præſunt, nec excuſatione digna eſt nec venia. If ignorance in lay men be intoſerale, much leſſe in thoſe that are ſet over them is it excuſable or pardonable. epiſt.* 22. *ad Cler, Conſtantinopol.*

5. That is not to bee ſuffered which tendeth to the ruine of faith: but by an unlearned miniſtery faith decayeth, which commeth by hearing the word preached: Rom. 10.17. thus reaſoneth the Councell of *Toletane* 4. *c.* 24. let all their work be in preaching, *ut ædificent cunctos fidei ſcientiam, &c. that they may edifie all in the knowledge of faith.*

6. That ſhould not bee permitted in the Church which giveth occaſion to the deſtructions of mens ſouls: But ſuch is an unteaching miniſtery: *if the blind lead the blind, both fall into the ditch*: *Math.* 15.14. And it is as *Hierome* ſaith: *tanquam perforatam navim debilis gubernator regat: as though an unskilfull Pilote ſhould be ſet to guide a broken ſhip.* Hierom. ad Chromatium

7. S. *Paul* doth eſpecially require this, as an eſſentiall property in a miniſter to be διδακτικὸς, *apt* or able *to teach.* 1, *Tim.* 3.2. *Hierom* ſaith well: *Innocens & abſque ſer-*

Hier. Ocean. *mone conversatio, quantum exemplo prodest, tantum silentio nocet, An innocent conversation without teaching as it helpeth by example so it hindreth by silence.* And it is *Origenes* note upon these words of Paul: *Wo is me, if I preach not the Gospell &c. propter hoc solum, &c. for this thing onely, if I preach not, not for conversation is this Woe pronounced.*

Tract. 3. in Math.

8. That ought to bee declined, which is sent as a punishment and iudgement upon the people: But dumbe and ignorant ministers are a punishment, &c. as the Lord threatneh to take away the Prophet Esay. 3. 2. *And there shall bee like prophet, like Priest. Esay* 24. 2. So saith *Isidore* as he is alleadged *Aquisgran c.* 25. *pro malo merito plebis aufertur doctrina prædicationis,* Ergo, &c.

9. All those whom Christ sendeth are furnished with gifts accordingly: Eph. 4. 8. 11. *Hee hath given gifts vnto men, &c. some Apostles, some Doctors, &c. Ieroboam* made of the baseſt of his people to bee Priests of his golden calfes: onely *Aarons* sonnes, ministred to the Lord at *Hierusalem.* 2. *Chron.* 13. 9. 10. VVhat shepheard will carry into the field a dogge that can

Hier. ocean. not not barke: for as *Hierome* well saith: *latrata canum, baculoque pastorum, luporũ rabies deterrenda est: the wolves rage, the sheapheards staffe, and dogges barking must asswage.* VVherefore seeing ignorant ministers

sters are as dumb doggs, *Ieroboams* Priests, men of no gifts, they are not sent of Christ, &c.

10. VVee will adioyne the consent of antiquity and decrees of Counsels, that haue condemned rude and ignorant ministers: *Ca. Apostol. 57. Episcopus aut presbyter, qui negligentius, &c. A Bishop or presbyter that is negligent about the people, and doth not instruct them in piety, must be put from the Communion.*

Valens. ca. 2. pro ædificatione omnium Ecclesiarum, &c: for the edifying of all Churches, it pleaseth vs that not onely in cities but in all parishes we giue power to presbyters to preach: that if the presbyter beeing sick cannot preach himselfe the homilies of the fathers be read by the Deacons. Toletan: 4 c. 24. Ignorantia mater, &c. Ignorance the mother of all errors is espcially to bee avoyded in the ministers of God who haue taken vpon them to preach to the people: let such therefore know the Scriptures that all their work may consist in preaching, and to edifie all in faith and manners.

Aquisgranens. c. 13. ex Gregor. præconis officium suscepit: he taketh upon him the office of a preacher, Whosoever commeth into the Priesthood. The minister then or Priest if hee bee unskilfull of preaching, what voyce can hee giue that hee is a dumbe crier.

Colonicns. p. 4, c. 1. Officium paracborum,

&c. the office of parish ministers consisteth in two things, the dissemination of the Word, and administration of Discipline.

Obiections made in defense of an unlearned ministery answered.

Obiect. 1. DOTH *not the sufficiency of ministers, Suscipere magis & minus,* admit of his degrees.

Answ. Doth it follow? the sufficiency of ministers doth *suscipere magis & minus*: *Ergo*, all need not preach? VVee grant that there are diversities of gifts: some haue lesse, some greater; but is it simply inferred, that therfore they which haue no gifts at all should be admitted.

2. Obi. *Were the ministers of the Primitiue Church all of them able to preach?*

No unpreaching Pastors in the primitiue Church.

Answ. It is untrue, that there were any Ministers in the Primitiue Church which had charge of soules, being not able to preach. *Chrysostome* and *Peter Martyr* with others are onely named, their words are not alleadged: the first indeed saith: *Senioribus, qui inutiliores sunt, hoc baptizandi munus committimus, verbum autem quod doceant, sapientioribus: Wee commit the office of Baptisme*

tiſme to ſome ſomewhat unprofitable, but the preaching of the Word, to the Wiſer ſort. *Peter Martyr* ſaith: *tingendi munus cuilibet in Eccleſia committi poteſt. the office of dipping may bee committed to any.* But firſt theſe teſtimonies ſerue not for the Primitiue Church, which reached not to *Chryſoſtoms* time (if we ſpeak properly) yet *Chryſoſtome* ſpeaketh but by way of cõpariſon, that where miniſters were, they made choyce of the wiſeſt for preaching: *in comparatione civili prudentia utitur: hee ſpeaketh by way of compariſon, as civill Wiſe men uſe to do*: they were not then altogether unprofitable, that baptized, but in compariſon. And *Peter Martyr* ſpeaketh not of miniſters onely, but his opinion was that any might dippe or lay on water the miniſter uſing the words, which conceit wee leaue unto the Author. Further wee deny not but that in ſome Churches Deacons, and other Miniſters baptized, which preached not (which uſe how commendable, wee are not now to diſcuſſe.) But never ſhall it bee ſhewed, that in the better and firſt ages of the Church any Miniſter had the charge of ſoules, that could not preach, as *Chryſoſtome* ſheweth: *quoniam oportet & eum quæ ſunt Rectoris habere, idcirco ſubiunxit aptum ad docendum: becauſe hee muſt haue thoſe things, Which belong to the Rector or ſpirituall governour, hee addeth apt to teach,*

In 1. Cor. 1.

Chryſoſt. ibid.

&c. this is not required of the people, *ſed illi ante omnia adeſſe debet*: *but hee muſt haue it aboue all* Which taketh upon him this *office*. Laſtly, admit that ſuch a corrupt uſe had crept into the Church to allow unpreaching paſtors, yet is it directly contrary to the Apoſtles precept who maketh it of the eſſence of the paſtor *to bee apt to teach*. 1. Tim. 3 2. ſuch was alſo the practiſe of the Primitiue Church: all their paſtors were preachers. *Act.* 20. 28. 1. *Theſſ.* 5. 12. 1. *Pet.* 5. 2.

3. Obiect. *The urging of that ſtrange doctrine, that hee is no Miniſter, that can not preach, &c.*

Vntruth. We ſo urge not.

Anſw. The vrging of that doctrine, that hee is no Miniſter that cannot preach: what is it to the petitioners? they ſo affirme not. Is it all one to ſay, there ought to bee no Miniſters that can not preach, & they are not Miniſters that can not preach? why do our brethren, whom the ſchooles might teach to diſpute *ad idem*, thus breake out into matters not in queſtion betweene vs. VVee denie not, but that ſuch are Miniſters, though vnprofitable ones, & the ſacraments giuen by them ſacraments, yet vnduly miniſtred: and wee ſay of them. as *Auguſtine* in a ſomewhat diuerſe caſe: *in bonis ſacramentis non ſunt boni, quomodo in bona lege non ſunt boni Iudæi*: The ſacraments are good, but they are no good Miniſters of them.

Contra creſcen. lib. 1. c. 26.

4. Obiect.

4. Obiect: *Hath it not made the Brownists confidently to reproch vs, that our Church is no church, &c.*

Answ. 1. Neither is it true that the Brownists condemne our Church and Sacraments, &c. onely becauſe ſome of the Miniſters could not preach: for they miſlike alſo and condemne the moſt painfull preachers amongſt us, but they pretend many other reaſons of their ſeparation, 2. Our brethren needed not therefore to haue caſt the Brownists in our noſe, ſeeing it is well knowen that the miniſters which deſire reformation haue moſt of all other oppoſed themſelues by writing to that faction, 3. But is this a good argument: the Brownists haue taken offence at unpreaching Miniſters: Ergo there may be ſuch, &c. Nay rather the occaſion of their offence & ſtumbling ſhould haue been removed. *Vntruth.*

5. Obiect. *It is not poſſible to haue all Miniſters men of worth till all church liuings bee very ſufficient, &c.*

Answ. Of like conſequence is the argument that followeth, The liuings are not ſufficient to mayntayne preachers Ergo it is not poſſible to haue all preachers and men of worth. 1. VVhy doe our brethren then of *Oxford* and *Cambridge* hinder the ſufficiency of Miniſters mayntenance, as much as in them lyeth by gainſaying the Kings princely motion, for diſpoſing *A learned miniſtery poſſible.*

of the leaſes of impropriations to the vſe of the incumbent preachers, whereof wee ſhall haue cauſe to intreat afterward. 2. This yet is no excuſe for ſuch vnſufficient Miniſters, as enioy ſufficent liuings wherof there are a great number. 3. Although the want of mayntenance bee a great let to a learned Miniſterie: yet it is poſſible though with much difficulty, to plant preachers even where ſuch defect is, as in the Apoſtles tyme, and many yeares before the Church was endowed: and the next way to enlarge the Miniſters mayntenance were to place every where worthy men whoſe painfull labours would provoke mens liberality: At the leaſt, let ſuch Churches as haue ſufficient mayntenance, firſt bee ſufficiently provided of good men: And for the enlarging of the reſt, the Prince and the ſtate muſt bee humbly ſued vnto. And Clergy men for ſo much as lyeth in their power, ſhould ſhew themſelues ready by their example.

6. Obiect. *Many do pleaſe themſelues in their extemporall gifts. &c.*

Of extemporal Preachers

Anſw. Is not this alſo a goodly argument: *Many do pleaſe themſelues in their extemporall gift, &c. and for their groſſe ignorance haue deſerved to be blotted out of the number of preachers: ergo all Miniſters need not to be preachers for this muſt bee the concluſion, or elſe they do but triſle:* as though

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the preſumption of the one doth excuſe the idleneſſe of the other: becauſe one ſhooteth too far, ſhall another ſhoot too ſhort. An extemporall gift as wee ſimply allow not (for the word of God muſt bee reverently handled) ſo wee ſee not why men of long ſtudy and exerciſe may not, where the preſent neceſſity is ſuch, ſhew their readineſſe that way. As *Origene* was ſometime forced to doe: *ſingula rimari extemporaneus iſte ſermo non patitur*: Such extemporall preacherswere *Ioan. Antiochen.* presbyter, and *Honoratus Mußilienſ. epiſcopus*, *extempore in Eccleſia declamator. An extemporall preacher in the Church.* And as extemporall ſermons are looſe, ſo boſome ſermons, that are *verbatim* delivered, are too curious: as wee condemne the one, ſo wee commend not the other approviug therein the iudgement of *Auguſtine*; *Donec ſignificet*, i. *ſe intelligere, verſandum eſt quod agitur multimoda varietate dicendi, quod in poteſtate non habent, qui præparata & ad verbum memoriter retenta prænuntiant. Till it appeare that the people underſtand that which is handled it muſt be opened with variety of phraſe, which they that repeat things word for word as they haue conned thē by hart cānot do.* Thus by ſuch weak argumeuts, as we haue ſeene the Confuters haue boulſtered out (as Mammets and men of ſtraw) the dumbe and Idoll Miniſters. VVee are right ſorry that *Oxford*

Hemil. 8. in Levit.

Doctors

Doctors now under the Goſpell ſhould ſo much ſwerue in the iudgment of the truth from their predeceſſors in the time of Poperie: who decreed much better concerning this mater, then theſe men now write. *Preſbyteris parochialibus diſtrictè iniungimus &c. we enioyne the preſbyters of every pariſh to inſtruct the people commited to them, with the word of God: ne canes muti iudicentur cum ſalubri latratu in caulis dominicis luporum ſpiritualium morſus non repellunt.* This Councell calleth them all dumbe dogges, that do not inſtruct and preach unto their people, and driue away by their wholeſome doctrine the wolues.

Concil. Oxonienſ. ſub. Stephan.

VVherefore O moſt noble King 1. ſeing God refuſeth them to be his miniſters, that haue no knowledge, 2. neither are ſuch fit ſtewards over Gods houſe, 3. they are infatuated ſalt, 4. ſeing ignorãce is inexcuſable in the people, much more in the paſtor. 5. & by the ignorãce of ſuch faith decayeth. 6. the deſtruction of many ſoules enſueth. 7. ſeeing a Miniſter by *S. Pauls* deſcription ſhould bee apt to teach. 8. and that it is a puniſhment ſent of God to haue unskilfull ſhepheards. 9. and all whom Chriſt ſendeth, he furniſheth with gifts. 10. Seing by the canons and practiſe of the Church ſuch unſufficient Miniſters are condemned: Seing nothing can be obiected in the contrary of any moment, 1. *Ob.* that although there bee diverſe gifts, yet euery

The concluſion.

every paſtor ought to haue them in ſome meaſure. 2, *Obj.* neither were there any paſtors in the Primitiue Church no preachers, 3. neither is it a thing impoſſible to haue every where ſufficient Paſtors, VVe are perſwaded that your Chriſtian Maieſty out of your Princely iudgment will in due time ſee the Church reformed in this point and therein follow the example of that noble *Charles* King of *France* who enacted thus: *providimus pro ædificatione omnium Eccleſiarum, &c. Wee haue prouided for the edifying of all Churches, that not onely in Cities, but in all pariſhes, the preſbyters preach the Word to the people, that they may learne to liue well, &c.* Synod. Arelat. ſub. Carolo. canſ. 10

ARTIC. 2.

Of the removing or ſupplying of unlearned Miniſters.

1. Obiect. *HOW charitable are theſe men that would haue men removed out of the miniſtry, &c.*

Anſw. 1. How can the Petitioners bee counted uncharitable, when they wiſh ſome charitable courſe to be taken for the reliefe of unſufficient Miniſters. Neither is it propounded ſimply, but with a disjunction,

tion, *or elſe that they be forced to maintaine preachers, according to the value of their livings, &c.* And wee pray you, how many are there to be now found, that were entreated to take upon them the Miniſtry for want of ſufficient men, or that were in time paſt ſufficient and are now decayed by age, ſickneſſe &c. are there not almoſt an hundred other unſufficient Miniſters to one of this ſort? and they that are of that quality, why ſhould they not haue coadiutors, as *Auguſtine* was to *Valerius*, *Eradius* to *Auguſtine*, *Nazianzene* to his Father: *Anyſius* to *Acholius* of *Theſſalonica*. Should the people periſh for want of inſtruction becauſe of their infirmitie? But ſay it had been ſimply moved to haue all unſufficiēt miniſters removed, ſo they were provided for: is this courſe uncharitable? then count the Apoſtle uncharitable, who willeth that he wch laboureth not, ſhould not eat: or what think you of theſe ancient canons: *peregrini preſbyteri, ſi prædicatores ſint veritatis ſuſcipiantur, ſin minus, ne neceſſaria ſubminiſtrentur eis, Can. apoſt. 34. Epiſcopus vel preſbyter, &c. ſi in pietate populum non erudit, a communione ſegregetur, ſi in ea ſocordia perſeveraverit, deponitur: can. 57.* So was it alſo decreed in the Councell of *Oxford: ſi reſidere noluerint, cum non niſi laborantibus panis dandus ſit, Eccleſijs per Epiſcopum ſpolientur.* Say alſo that they are uncharitable that thus decreed; that

a. Theſſ. 3.

unpreaching

unpreaching Miniſters ſhould not be releeued, that they be *put from the Communion*, and finally *if they continue in theyr idlenes, to bee depoſed.*

2. Obiect: *How can they maintayne preachers that haue not where with to maytayne themſelues*, &c.

Anſw Many vnſufficient and vnpreaching Miniſters haue ſufficient liuing and mayntenance, and as many, as wee thinke are of that ſorte, well provided for that wayes, as are not: inioying ſome an 100 markes, ſome an 100. pound by the yeare ſome more: and thoſe might very well be charged to maintaine preachers, the reſt, that are not able alone, two or three ſhould ioyne together to haue a preacher by courſe, rather then the Churches ſhold be altogether unfurniſhed, till better proviſion be made.

3. Obiect *How much better hath our Church deuiſed to ſupply the defects of ſome men, &c. by other meanes, as by the frequent reading of ſcripture, &c.*

Anſw: Our brethren tell us of better ſupplies of theſe defects, then by preachers: as by frequent reading of ſcripture, by the forme of common prayer, by the reading of homilies, quarterly ſermones: for anſwere wherevnto wee ſay, 1. if quarterly ſermons make a good ſupply, wee hope that weekely ſermons euery Lords day afford a better: how vnaduiſed then

To be otherwiſe ſupplied

are

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To be otherwiſe ſupplied

are

are our brethren to call the word ſeldome preached *a better ſupply* then the ſame diligently preached? 2. Biſhop *Ridley* is alledged to ſpeake in commendation of the booke of common prayer: neyther doe wee for the ſubſtance condemne it: the times muſt bee conſidered wherin he wrote, when the maſſe was reſtored, in reſpect whereof our Leiturgy is much to be preferred. His words further are theſe, *Howſoeuer in tyme paſt in certayn by-matters and circumſtances of religion your wiſdome and my ſimplicity (I grant) hath a little iarred: ex epiſt Rid: ad Hooper.* Here the ſame Reverend Biſhop giueth way to Biſhop *Hooper*, and modeſtly confeſſeth his too much ſtifneſſe in mayntayning of ſome ceremonies. But he was farre off from making the booke of common prayer a ſupply of preaching, and therefore he is here very impertinently alledged. 3. But what vnſauory words are theſe to ſay that the reading of homilies and of the booke of common prayer *are ordinary and effectuall meanes to continue and increaſe the people in the true fayth:* 1. VVe had thought that as the word of God is the ordinary effectuall meanes to begette faith: as the Apoſtle ſheweth, *that faith commeth by hearing.* (Rom: 10, 7.) *the word preached.* v. 14. So it had beene likewiſe the ordinary effectuall meanes to encreaſe faith, according to *S. Peter*: *as new borne babes*

Fox Martyrol. p. 1504. epiſt. ad Hooper.

deſire

deſire the ſyncere milke of the Word, that yee may grow thereby. 1. pet. 2. 2. VVee are not only begoten by the word, but wee alſo increaſe and grow thereby. *Hierome*, or who alſo was the author, ſayth much better: *Quando doctrina non erit in Eccleſijs, &c. When teaching is not in the Church, wee know that all vertues periſh; becauſe the word of God is not taught*: But if reading were the ordinary and effectuall meanes, &c. vertue for lacke of other teaching, needed not to periſh 2. But if they be ordinary meanes, &c. then tell vs, do thoſe Churches which haue no ſuch reading of Homilies, as in *Scotland, Geneva*, &c want the ordinary and effectuall meanes to encreaſe them in the true fayth: and ſhew vs how many of the people haue been converted, and increaſed in the faith, by theſe your ordinary and effectuall means. 3. VVee commend reading of ſcripture, and allow a godly forme of prayer, but not as principall and ſole meanes by them ſelues effectuall or ordinary to increaſe or beget fayth: More equall ſeemeth to be that decree of the *Lateran Coūcel inter cætera &c. Among other things, which concerne the ſaluation of the people: pabulam verbi Dei per maximè ſibi noſcitur neceſſariū. The foode of the word of God is knowne to be moſt neceſſary. for* as the body is not nouriſhed without materiall food, ſo neither is the ſoule without ſpirituall?

Reg. monach.

Lateranenſ. ſub. Innocen. 3. c. 10.

This

This decre prefereth the foode of the word of God before all other helpes: not as our brethren which say *the defects of some men may be supplyed better*, then by preaching. 4. Lastly, our kingly *Ecclesiastes* hath determined this question, that faith commeth not by reading, but by hearing the word preached, who hauing first taught his princely sonne deligently to read, and to meditate in the word of God addeth further. *I ioyne to this the carfull hearing of the doctrine with reuerence and attention, for faith commeth by hearing saith the Apostle.* By preaching of the word then are wee begotten vnto God, and by the same as by a notable ordinary meanes wee grow and encrease. *Bernard* hath a good saying: *qui creauit nos, creatur in nobis &c. He that did create vs, is created in vs, and as though it were not enough that wee haue God to our father he will haue vs to be his mother. fide concipitur Christus, verbi prædicatione nascitur: by fayth is Christ conceaued, by the preaching of the word he is born in vs.* The wise man saith: *Where there is no vision* (or as the great bible readeth: where *the word of God is not preached*) *the people perish. prov:* 29. 18.

Tract. p. 4.

De interior. domis. c. 21.

And yet our brethren, as though they had neuer read this place, are not affrayd to affirme that reading is as effectuall a means to encrease men in the faith. I would they had not given occasion to

haue

haue *Iobs* words returned upon them, *Iob.13. 4.*
Yee are all Phyſitians of no value, and as lib.1.in.Luc.
Ambroſe ſaith: *lepræ medicina verbum eſt, contemptus utique verbi lepra mentis eſt: The medicine againſt leproſie is the Word, and the contempt of the word the leproſie of the ſoule.* they then that extenuate the preaching of the word, are like ſooner to encreaſe, then cure the maladies of the ſoule.

3. *Of Non-reſidencie.*

Reaſons and arguments againſt Non-Reſidents.

1. PAſtors are ſhepheards: but ſhepheards ought to attend, and bee reſident upon their flockes, as it is ſayd of the ſhepheards. Luc.2.8. *they watched their flocks by night*: upon the which words *Ambroſe* well ſaith: *grex populus, nox ſæculum, paſtores ſacerdotes, eſto ergo vigilans: the flocke is the people, the night this World, the ſheepheards the Miniſters; be therefore Watchfull.* Thus the Apoſtle exhorteth the paſtors of *Epheſus*, *attend unto your ſelues and the Whole flock.* lib.2.in.luc. Act.20.28

2. Diligence and attendance is required in other externall offices: the ſteward muſt giue the houſhould meate in ſeaſon. *Mat.* 24.41. He that ruleth muſt do it with diligence. Rom.12.8. much more is dili-

gence and residence required where men are set over the peoples soules. Heb. 13. 17. which is more then to haue charge over their bodies and goods. *Ambrose* saith well: *quo præclarior causa, eo cura debet esse attentior: the better the cause, the greater should be the care.*

Offic. lib. 1. c. 44.

Epist 88. 3. *Bernard* thus applieth these words of the Apostle, *art thou bound to a Wife, seeke not to be looſed: aut ergo oportuit te gregem dominicum minimè servandum suscipere, aut susceptum nequaquam relinquere. You ought then either not at all to haue undertaken to keepe the Lords flocke, or being undertaken not at all to leaue it.* But if these words of the Apostle will not beare this collection, the other going before will, 1. *Cor.* 7, 20. *Let every man abide in that vocation, wherein he is called:* but *Non-residents* leaving their flocks abide not in their vocation: *ergo, &c.*

4. A watchman ought not to leaue his watchtower (*Esay.* 21. 8. *I stand continually in the Watchtower by day, and I am set in the watch by night:* but Pastors are watchmen: *Ezeck.* 33. 7. *Sonne of man I haue made thee a Watchman to the house of Israell, &c.* To this purpose *Ambrose* well writeth upon these words of *S. Paul* 2. *Cor.* 6. 7. *by Watchings, &c. tam sollicitus erat circa officium sibi delegatum, ut ne nocte cessaret: he was so carefull about the office committed to him, that he rested not in the night.*

5. The Prophet calleth him an idle

shepheard

sheepheard that leaveth the flock, *Zach.* 11.7. Our Saviour nameth him *an hireling that leaveth the sheep and flieth: Ioh.*10.12. But hirelings and idle sheepheards are not to be suffered in the Church. *Augustine* saith well, *Quæ igitur fuga cavenda est, &c. What fleeing is to be shunned; even that whereof our Lord speaketh: the hireling when hee seeth the theefe flieth. Psal.* 141.

6. They that feed not the flocke of Christ, are convinced not to loue Christ: for our Saviour sayd to *Peter, Loueſt thou mee feed my flock. Iohn.*21. whereupon *Damasus* well saith: *omnis negligenter pascens, &c. every one negligently feeding the Lords flocke so often commended is found not to loue the chiefe shepheard: nec eius se velle discipulum fieri, cuius exemplum negligit imitari: Neither will become his disciple, whose example he neglecteth to imitate.* Damas. epist. 4. decretail.

7. Non-Residents cannot discharge their pastoral duty being absent, *as it belongs to the sheppard to heale the sicke, to bind up the broken, to seek that is lost. Bernard* saith wel: *quomodo securus abis, qui gregi tibi commisso omnem de se securitatem aufers, &c. How canst thou bee secure being absent, when thy flocke cannot be safe or secure, who shall comfort them in their tribulations, provide for them in their tentations: quid facient novellæ plantationes Christi, &c. What shall the tender plants do, set with thy hand, who shall dig and dung thē about, hedge them in, & prune them,* Esa.34.4. Epist.4.

&c. theſe duties it is impoſſible for *non-reſidents* to performe.

8. That is not to bee ſuffered, which bringeth apparant perill and danger to the flocke: but this doth the abſence of the Paſtor: when the ſhepheard is abſent, the wolfe commeth to devoure. *Ezek.* 34. 5. they were ſcattered without a ſheepheard, *and were devoured of all the beaſt of the field.* So *Ambroſe* ſaith, *lupi explorant paſtoris abſentiam, quia præſentibus paſtoribus oves Chriſti incurſare non poſſunt: The wolues do wait for the paſtors abſence, for while they are preſent, they cannot invade the ſheep of Chriſt, Lib. 7. in Luc.*

9. Non-Reſidencie doth lay an heavy burthen upon the paſtors themſelues: God will require the ſheep at the ſheepheards hand: *Ezech.* 34. 10. and if the watchman warne not the people, *When the ſword commeth God will require their bloud at the watch mans hand: Ezek.* 33. 6. So *Hierome* well ſaith *detrimentum pecoris, ignominia paſtoris: the loſſe of the flocke ſhall bee a ſhame and confuſion of face to negligent ſheepheards.*

Hier. ad Hu-niam.

10. *Wee will in the laſt place adioyne the conſent and practiſe of the Church againſt Non-Reſidents.*

The conſtitutions of the Church againſt non reſidentes.

Firſt the Canons haue limited the time of the Paſtors abſence: *ſi intra ſex menſes non redierit, &c. If he that is Non-Reſident returne not within ſix moneths, hee muſt bee*

deprived,

depriued. Innocen.3. Greg.3.4.11. Qui infra proximum menſem, &c. Hee that refuſeth to be reſident within one month, let him bee deprived: Synod. Hildeſhemen. c.16. But the ancient Canons giue not ſo much liberty. *Epiſcopus per tres Dominicos, &c. The Biſhop muſt not bee abſent aboue. 3. Lords dayes from his Church. Sardic. c.4. Oportet eos qui preſunt Eccleſiis, &c. they which are ſet over Churches ought every day, but eſpecially the Lords day to teach the people precepts of Godlineſſe out of the Scriptures. Tertull. c.9.*

Secondly the Canons puniſh ſuch Paſtors, as are abſent from their flockes: *he that returneth not to his Church: oportet communione priuari, muſt bee put from the Communion: Antiochen. c.17. as it is alleadged, diſtinct. 92. c.7. Et qui receperit, amittat. &c. he that will not be reſident let him leeſe that which he receiued, and he that gaue it, be deprived of his gift, Later. ſub. Alex. 3. c.13.*

Thirdly Non-Reſidents are deprived of all priuiledges, or benefit of law: *Qui Eccleſiæ non deſeruierit, &c. he that attendeth not upō his Church, muſt be deprived, ſublato impedimento appellationis: without having any remedy by appeale: Decr. Greg. 3,4.6. non obſtantibº indulgentijs Apoſtol. reuocet eos ad reſidentiā &c. notwithſtanding indulgence Apoſtolicall call them home to their Churches.* Decr. Greg. 3.4.16.

4ly. *Gratian* the Empr. made a Law, that advocates choſen to any place of go-

in their country ſhould not *extra eam vagari*, wander abrood from the charge. *Cod. l. 2. tit. 7. leg. 2.* And *Iuſtinian* decreed that advocates aboue 3. yeares *abſent from the citty ſhould loſe their priviledge ibid. ti. 8. l. 7.* much more is the reſidence of Paſtors required in their Churches, who haue cure of ſouls, if their preſence be ſo neceſſary, that haue charge onely of mens bodies and goods.

Obiections Anſwered

1. Obiect. *Many haue two pariſhes committed vnto them; which both will not make one living.*

Anſw: 1. It were better the paſtors ſhould want maintenance then that many ſoules ſhould periſh for want of inſtruction. 2. where the Church hath not maintenance inough of it ſelfe, it is not helped by accepting of another, for that Miniſter, which is the others ſubſticute is in want ſtill, ſo the parſon is provyded for, but neyther the place, nor the people. 3. in this caſe prouiſion may bee otherwiſe made for mayntenance, then by pluralities, as by diſpoſing otherwiſe of impropriate tithes: that ſuch as are not yet improved, might bee demiſed for the old rent to the incumbent preacher: ſuch as are improved ſhould bee taxed with a convenient portion, iſſuing forth to the preacher: as alſo Churches may bee vnited

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for the ſame end; which vniting is by the Canons allowed in 4. caſes. 1. *for the paucity and fewnes of the people: quæ minus decem mancipia habeat, aliis coniungatur Eccleſijs Toletan:* 16. *can.* 4. 2; *propter vicinitatem loci, for the neereneſſe of the place, as Gregory* did vnite *Cumanam & Micenatem Eccleſias. Vicinitas loci nos inuitat cauſ.* 17. *qu.* 1. *c.* 48. 3. *When any Church is vaſted or decayed: poſt quam hoſtilis impietas diuerſarum ciuitatum vaſtauit Eccleſias: cauſ.* 16. *qu.* 1. *c.* 49. 4. *ſi ita fuerint tenues in ſubſtantia, &c. If they bee ſo ſmall in ſubſtance, that they are not able to mayntayne the proper paſtor: Greg.* 1. 14. 4. 4. This obiection helpeth not them that poſſeſſe many and rich beneficeſ, who are not driuen to haue pluralities of neceſſity, but of an ambitious and couetous mynd, and ſuperfluity.

In what caſes Churches may be vnited.

2. Obiect: *Many haue but one pariſh, & which would require two or ten men to ſpeak at once &c.*

Anſw. Neither doth it follow, becauſe ſome pariſhes are large, and haue many Chappels, which would require two or ten men, &c. that therefore a man may be as well *non reſident* in diuerſe Pariſhes. 1. the one is a non reſidence neceſſary, it being but one pariſh by the law, the other voluntary: the Chappels are united for neereneſſe of place and want of ſufficient maintenance; but ſome haue Churches

far distant, which each of them would suffice for the Pastors sustentation: therefore the reason is not alike. 2. Such large Parishes might without any inconvenience bee devided, as large Dioceſſes haue been shared into diverſe: as the Bishopricke of *Tholouſe* was devided into fiue: *Extravag.com.lib.7.tit.2.cap.5.* And heere in *England* the Dioceſſe of *Ely* and *Oxford* were taken out of *Lincolne*: So also large Parishes might safely be apportioned into more: *Propter nimiam distantiam Ecclesiæ &c. For the great distance of the Church* a new may bee builded in the parish, and a certaine portion of maintenance bee allotted. This liberty *Alexander* the third granted in his rescript to the Arch Bishop of *Yorke*. *Decret. Greg.lib.3. tit.48.cap.3.* 3. Or else he that is Rector of the Mother Church ought to provide sufficient maintenance for the Chappels: as *Vrbane* the second tooke order in the Placentine Synod; *Si quæ capellæ sunt quæ suis reditibus, &c. If there bee any Chappels which are not able by their revenue to maintaine the Clerkes, the Rector of the mother-Church shall provide both for the maintenance and Ecclesiasticall duties in the Chappels.* The like constitution was made *Consil. Oxoni. sub Stephan. In singulis parochialibus Ecclesijs, &c. In every parish church where the Parish is scattered, there shall be two or three Presbyters, according to the largenesse and abili-*

What course would be taken with large parishes

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ty of the church, leſt when one is ſicke, the ordinary duties ſhould be withdrawne.

Obiect. 3. *It hath been permitted by wiſe and godly Magiſtrates, that haue given way unto it, &c.*

Anſw. 1. If Princes haue given way by their lawes to non-reſidency, forced through the iniquity of times, to tollerate that which they could not altogether remoue: that doth no more make it lawfull, then for the ſame reaſon vſury ſhould be approued, becauſe in ſome poſitiue lawes it hath been in ſome caſes permitted.

2. If it hath been in ſome caſes and in ſome perſons permitted, and them of beſt deſert, this is no excuſe for non-reſidency for moſt parſons that will, and many of them of meane deſert, and upon ſmall colour and occaſion as it is now practiſed.

3. Princes rather, and other Magiſtrates civill and Eccleſiaſticall, haue by lawes more reſtrained then permitted non-reſidency, as hath beene declared before. arg. 10.

Obiect. 4. *That it is abſolutely unlawfull &c. neither hath beene proued or euer will, &c.*

Anſw. Abſence from the flocke for a time upon neceſſary occaſion is permitted both by the Scriptures and by the ancient Canons. As 1. for the ſervice of the Church, as *Paul* ſaith, *Bring Mark with*

thee

In what case the pastors absence is permitted for a time from his flocke.

thee, for he is profitable unto me to minister 2. Tim. 4. 11. So Ambrose, *Paucorum dierum occupatione detentus, &c.* being detayned a few daies called away by the necessities of another Church, I haue been absent from your Assemblies. Ser. 28. *Pro seruitijs Ecclesiæ, &c.* A man may bee absent for the seruice of the Church, as being present at Councels, disputing against heretickes, and such like. Decret. Greg. lib. 3. tit. 4. cap. 13.

2. When the flock it selfe doth pursue their Pastor. *Si quis plebis, &c.* If any man be absent because of the opposition of his people. Antioch. can. 18. In this case Paul shooke off the dust of his feet against the Iewes, and turned to the Gentiles. Act. 13. 46. But it is not the stubburnesse of a few that should make a man leaue his flock, as Augustine excellently sheweth: Thou wilt say, *Feci omnia, nihil me video profeciſſe, &c.* I haue done what I could, yet I profit not, I would I might rest somewhere else, Oh that I had the wings of a doue, &c. Thus men say, *Sed plerunque ita ligantur, ut volare non possint, ligantur non visco, sed officio.* But they are bound, they cannot flie, not with bird lime, but in duty. Therefore seeing they cannot forsake their flocke, let them say with the Apostle, *I desire to bee dissolved, and be with Christ.* Aug. in Psal. 54. It must not be then the perversnesse of some, but the resistance of the whole flocke, which should force a man to de-

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part in this case.

3. For healths sake the Pastor for a while may be absent, as to change the aire, or when he is deteyned by sickneſſe, as *Epaphroditus* was kept from the Phillippians, *Phil.* 2. 26, 27. So *Gregory* causeſd one to be restored, *Qui egritudinis causa per duorum mensium spacium Ecclesiæ defuit, which by occasion of sickeneſſe had been absent two moneths. Caus.* 7. *q.* 1. *cap.* 3. As *Augustine* when he was sicke removed from *Hippo. Epist.* 56.

4. In time of persecution our Saviour alloweth to flee from one Citty to an other, *Mat.* 10. 23. *Metu hostilitatis. caus.* 7. *qu.* 1. *cap.* 42. But doth it therefore follow, if for a time upon those necessary occasions, the Pastor may be absent, that therefore he may upon an ambitious covetous humor, and at his pleasure, and that very often, or continually absent himselfe.

Object. 5. *In what congruity may hee bee counted an idle non resident, that is alwaies present in some part of his charge, &c.*

Ans. And is it enough that a man at some time, and in some part of his charge take pains? what dawbing is this? Then giue a man 10 or 20 Benefices, for he may at some time, and in some one of them doe a little duty. Let us bee ashamed that professe the Gospell to use such cloakes which the Church of Rome hath rejected. *Later. par.*

29.

29.*cap*.6. This is rendered as a reaſon why one ſhould not haue diuerſe offices in diuerſe Churches, *Quia ſingula officia quæ ſunt in Eccleſijs, aſſiduitatem exigunt perſonarum: Euery office in the Church requireth the aſſiduity of the perſons. Colon. part.1. cap.32. Vnus Preſbyter per omnes ſibi commiſſas Eccleſias ſolus nec perſoluere poteſt, &c. One Preſbyter cannot do all the duties in all Churches committed to him. Mogant. cap. 64. Vnus pluribus Eccleſijs curam impendere neceſſarium nequit. One cannot take care for many Churches.*

Obiect. 6. *There are no more intollerable non reſidents then ſome &c.*

Anſ. That ſome of the Petitioners or ſuch as fauour them are intollerable Non-reſidents, are but idle words, and are worthy of no anſwere. The Confuters ſhall neuer bee able to ſhew any ſuch thing.

Vntruth. Non-reſidents helpeth not, but hinder a learned Miniſterie.

Obiect. 7. *It is impoſſible (as church liuings are now allotted) that non-reſidency ſhould not be permitted, and yet a learned miniſtry maintained, Princes and Peeres attended upon, &c.*

Anſ. Non reſidency nouriſheth an unlearned Miniſtry (ſo far is it from maintaining a learned) when poore Curates are conſtrained to ſerue for ſmall ſtipends, and as the Synod of *Collen* truly complayned, *Churches are ſpoiled of their due ſeruices. Meliores, qui laborare in Eccleſia cupiunt, excluduntur. They which would doe more*

Colonienſ. ſub Alph. med. 3 6.9.

good

good in the Church, are excluded. As though Princes and peeres were not able to maintaine Chaplens to attend upon them, but such as liue of their flockes where they labour not. It is ambition that draweth such to Princes Courts, not any necessary service, which is contrary to the Canons, *Sardicens. cap.* 8, 9, 10. *Episcopus ambitione magis quam Deo servire, si videbitur, &c. A Bishop rather for ambition then Gods service, going to Court, must bee depriued*, (yet his Maiesty as reason is, may haue to preach before him men of the best gifts, without any long absence from their flockes.) *Bernard* when Pope *Innocent* sent for him refused to goe, making his answere: *Non dico, juga boum, aut villam emi, &c. sed plane parvulos me lactare fateor &c. I say not I haue bought oxen, or a farme, but I suckle little ones, and therefore I see not how I can come without their great danger.* Epist. 155.

Vniversities are not maintained, but hindred by non-residents, when by this meanes the elder sort liue there like drones, and keepe out yonger students, that might doe more good. As for the masters of howses, most of their places are sufficient without other helps to maintaine them in competent sort, the other might be provided of dignities without cure, that they need not clog themselues with benefices. Cathedrall Churches also

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may be ſerved with reſidence of Prebends by courſe: there is no neceſſity of continuall or long abſence from their flockes for this cauſe: the onely inconvenience is to their purſe, if they bee not perpetuall reſidents, according to that Canon which forbiddeth, *Ne canonici non reſidentes, quotidianas diſtributiones ex integro perciperent.* They ſhould but ſo much want of their divident.

VVherefore (moſt noble King) 1. Seing ſheepheards ought to attend upon their flock. 2. and Stewards upon their charge. 3. and every one muſt abide wherein hee is called, 4. ſeeing miniſters are watchmen, 5. and they which flee from their flocks are idle ſhepheards and hirelings, 6. they which feed not the flocks loue not Chriſt, 7. and they which are abſent cannot diſcharge the paſtoral duties, which are many, 8. ſeeing non reſidency bringeth apparant danger to the flock: 9. and maketh the Paſtor inexcuſable: 10. and is condemned by the Canons and conſtitutions of the Church. And further, ſeeing nothing of any moment can bee alledged in excuſe of Non-reſidents, 1. Neither the ſmaleneſſe of living, 2. nor largeneſſe of the pariſh, 3. nor ſufferance by ſome poſitiue lawes, giving way to the time, 4. nor abſence upon ſome neceſſary occaſion, 5. Seing non-reſidency tendeth not to the maintenance of learning, Court, Church

nor Vniverſity: we truſt your Maieſty is reſolved to cheriſh good Paſtors, and to ſee all Churches planted with ſuch, as ſhall reſide to doe their duty among their people. And to ſay with *Ambroſe*, *Ego diligo eos vel Preſbyteros, vel Diaconos, qui cum aliquo proceſſerint, nequaquam ſe patiuntur a ſuo diutius abeſſe munere. I loue ſuch Preſbyters and Deacons, who when they are gone abroade, will not long be from their charge.* [Amb epiſt. 54.]

Artic. 4.

Of the Marriage of Miniſters.

IT is well our Brethren conſent with us for ratifying of the civill marriage of Miniſters: we would alſo, that they did accord with us concerning their ſpirituall marriage, whereof *Ambroſe* thus writeth upon theſe words of the Apoſtle, *Vnius uxoris virum, &c. Prohibet bigamum Epiſcopum ordinari, ſi vero ad altiorem ſenſum conſcendimus, inhibet Epiſcopum duas uſurpare Eccleſias: He forbiddeth a Biſhop that hath two Wiues to be ordained: but if we will go to an higher ſenſe, he forbiddeth a Biſhop or Paſtor to uſurp two Churches.*

THE

The fifth Article of Subscription.

Reasons against subscription to the book.

1. MINISTERS were forced to subscribe to many things not warranted by the word: In such cases the Apostle giveth this rule: *to whom we gaue not place by subjection, not for an houre*: Gal. 2. 5. And *Hierom* confidently saith: *Ego libera voce reclamante mundo profiteor, &c. I doe freely professe though the World say nay, that the ceremonies of the Iewes are deadly, and pernicious to Christians, and whosoever obserueth them is cast down into the Devils dungeon.* VVherefore in imposing subscription, not to Iewish onely, but which is worse to ceremonies used in the Popish Church, they layd a yoake upon mens shoulders too heauy to beare.

Ierom. Augustine.

Secondly, seeing the preachers consented in all substantiall points of doctrine, they should haue used their Christian liberty in such ceremonies according to the Apostles rule: *the kingdom of God is not meate nor drink* (nor by the like reason apparell) *but righteousnesse, and peace, and ioy in the holy Ghost, for whosoever in those things serveth Christ is acceptable to God, and approved of men: let us follow those things*

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which concerne peace, and wherewith one may edifie another. Rom. 14. 18, 19. Vniformity in ceremonies then ſhould not haue been ſo ſtrictly urged, ſeeing there was a generall conſent in doctrine, but forbearance ſhould haue been vſed in matters (ſay indifferent) for peace ſake: *in una fide nihil officit Eccleſiæ ſanctæ conſuetudo diuerſa. Toletan.* 5. *can.* 5.

3. Though it had been a fault in the preachers not to be conformable in theſe ceremonies, yet did it not deſerue ſo great a puniſhment, as ſuſpenſion, degradation, incarceration, deprivation: that Non-reſidents, idle, ignorant, ſuperſtitious, adulterous Clergie men were not ſo proceeded againſt as honeſt painful preachers, what was this elſe, but with the Phariſees *to ſtraine at a gnat and ſwallow a Camell.* Such ſeverity in trifles was taxed long ago by *Auguſtine: hoc nimis doleo, &c. this much greeueth me, that many things wholeſomely commanded in Scriptures, are not endeuoured, and all things are ſo full of humane preſumptions, that he is more cenſured that in his octaues ſetteth his bare feete upon the ground, then he that is giuē ouer to drunkenneſſe Epiſt.* 11. *c.* 19.

They were wont to obſerue the 8. day after baptiſme, *Aug. contra Petil.* 2. 37. *Aliud eſt quod octaue die baptizatorum nos celebramus,*

4. Profitable miniſters though wanting in ſome externall matters ſhould haue been borne with for the common good of the Church: this courſe S. *Paul* tooke: *What then? yet Chriſt is preached all manner of*

wayes; whether under pretence or sincerely, I therein ioy, and will ioy: Phil. 1.18. Thus Hierom saith well: *Ecclesia numero superata peccantium, &c.* the Church overcome with the nnmber of offenders doth pardon the shepheard to do the sheep good. Yea the Canons allow a toleration for the profit of the Church, *Vbi Ecclesiæ maxima utilitas, vel necessitas postulet*; Where the necessity or utility of the Church so requireth. There was small reason to thrust out preachers for trifles, there being such want of preachers, 4000 Churches in England yet being without. 5, Subscription was urged by force not by perswasion, there was no course taken to resolue them that doubted, and Bishops peremptorily required subscription, without yeelding any reason further, or satisfaction to the doubtfull contrary to the Apostle, who saith: *not that we haue dominion over your faith.* 2. *Cor.* 1.24.

Aduers. Ioan Hierosol.

caus. 1. *q.* 7. *cap.* 27.

But they which urged subscription commanded, they perswaded not mens conscience, the Church of *Rome* some time was more equall, as *Leo*, 1. thus writeth: *plus erga corrigendos agat benevolentia, quàm severitas: plus cohortatio, quàm comminatio: plus Charitas, quàm potestas, &c.* With those, that are to be corrected, let Clemency prevaile more then severity: cohortation then commination: charity, then authority, but they which seeke their own, not Iesus Christs, doe swarue from this Law, which

seeke

seek rather to rule then counsell their subiects for while honour pleaseth, pride puffeth up, that which was provided for a remedy to a malady. Leo epist. 82. distinct. 45.

6. In the urging of subscription they forget Christian compassion stripping Ministers, and some of them aged of their livings to the undoing of themselues, their wiues, and children. *Iosias* shewed more compassion to the *Chemarims* that were idolatrous Priests: who though they were not permitted to come up to the altar, yet did not eate unleavened bread among their brethren. 2. *Reg.* 23. 9. they had their maintenance from the temple. The Popes Canons herein were more equall, that pitied old age, as *Gregory* thus decreeth *sed quia simplicitatem tuam cum senectute novimus, interim tacemus: the penall sentence was ready to be inflicted, but because wee know your simplicity ioyned with old age, we hold our peace.* Caus. 1. q. 7. can. 11.

7. This forcing of subscription to Ceremonies not warranted by the word, is contrary to the Scriptures and practise of the Church: In *Nehemiahs* time *Subscription* was required, and an oath of the chiefe of the people, but it was onely *to walk in Gods Law: Neh.* 10. 29. *not to keepe any traditions not written.* VVhen *Victor* would haue forced the East Churches to keep Easter, as the Latine Churches did, and was resolved to excommunicate them

Euseb. lib. c. 22. certaine Christian Bishops, and *Irenæus* among the rest did reproue him, *tanquam inutiliter Ecclesiæ commodis consulentem*, *as unprositably regarding the Churches good.*

Tolet. 4. c. 5 There arose in *Gregory* the first his time a great difference in *Spaine* about the thrice dipping in baptisme, some doing it but once, *Leander*, a Spanish Bishop sent to *Gregory* about it, who determineth that the Infant was baptized: *sive trina, sive simpla mersione*: whether with thrice or once dipped, hee would haue no contention about that ceremony. But his successours more rigorous, then charitable, one decreed that it was *Evangelicum præceptum, an Evangelicall precept to dip thrice.* Another, *that hee was not a perfect Christian that was not thrice dipped.* Lastly, it was decreed in the 8. generall Councell at *Constantinople*, that whereas *Photius* the usurper of that sea did *extorquere chyrographas, &c. extort from clergie handwritings*, promising thereby to cleaue unto him, and he againe gaue them by his hand writing faculties to preach. And certaine Catholicke Bishops had taken up the like custome to urge subscription. The contrary was decreed by that Councell: *ut Episcopi nullus chyrographas, &c. that Bishops should no more exact such subscription: sed tantummodo fierent solennitates de more, but to be content with the old use: they should enforce no new subscriptions, but keepe the old*

Part. 3. dist. 4. c. 82.

Pelagius.

Can. 8. 9. concil. general. Constantinop.

customs

cuſtomes & ſolennities. The Biſhops then in urging new ſubſcriptions to combine the Clergy to cleaue unto them, & not otherwiſe to grant them licenſes to preach, did reviue the corrupt uſe of *Photius* the pſeudo-Patriark condemned in this Councell.

8. To require abſolute ſubſcription to the booke is to make it almoſt equall to the Scripture, as freed from all errour, but this properly the holy writings onely haue, viz. to bee *perfect, right, pure: Pſal.* 19.7. *The Law of the Lord is perfect, the ſtatuts of the Lord are right.* VVhat could be required more then to ſubſcribe abſolutely to the word of God, as pure, perfect, and without any errour. *Auguſtine* well diſtinguiſheth between divine and humane writing: *de Scripturis canonicis non licet dicere, &c. of the Canonicall Scriptures it is not lawfull to ſay, the Author was deceived, but in other books which are written by us, not with authority of precept, but exerciſe to profit, though there be found the ſame verity yet are they not of the ſame authority, which kind of writing muſt be read not with neceſſity of beleefe, but liberty of iudgement, Aug. cont. Fauſt. l.* 11.5. But there is now no liberty of iudgmēt left, but neceſſity of beliefe impoſed in this abſolute ſubſcriptiō.

9. Beſide, this violent courſe of ſubſcription hath bred a great ſcandale in the Church, & diſturbed the peace thereof, that whereas quietly before Miniſters

ioyned together in building the Lords houſe, after the ſame began to be urged, then ſuſpenſions, impriſoning, ſilencing, depriving of many profitable miniſters followed. Saint *Paul* ſaith, *Would to God they were cut off that diſquiet you. Gal.5.12.* They were diſquieters of the Church that urged the ceremonies, not they that refuſed them. Conſcience forced not the one to urge ſubſcription: for they themſelues hold theſe Ceremonies not to bee neceſſary: but conſcience moved the other in not ſubſcribing unto them. VVho were then diſturbers, they which urged thoſe things, which with a good conſcience might be left; or they which refuſed thoſe which with a good conſcience they thought they could not uſe. There is a rule in the law, *In rebus dubijs pars tutior ſequenda; In doubtfull matters the ſafer way is to be followed.* Not to uſe ſuch rites and ceremonies is no ſin: but to yeeld unto them, in him that is not reſolved, is ſinne. The law reſolveth, that the leſſe doubted courſe ſhould be taken, not to uſe them at all. *Cyrillus* thus writeth to *Gemadius*: *Sicut ij qui mare navigant, &c. As they which ſaile in the Sea, when a tempeſt ariſeth, and the ſhip is in danger, doe diſburden it of ſome things to ſaue the reſt: ſo ſeeing it is not in our power to ſaue all, deſpicimus ex ijs quædam ne cunctorum patiamur diſpendia; Wee ſeeme to neg-*

left or winke at some things, least wee should leese all. So it had been better to haue cast out such burthenous ceremonies, then to [illegible] the ship of the Church in hazard, and disturbe the peace thereof.

10. The forme of subscription is contrary to the law of the land, as may appeare by these reasons, 1. The Law requireth subscription onely to the Articles of Religion in these words, *He shall declare his assent, and subscribe to all the articles of Religion, Which onely concerne the confession of the true christian faith, and the doctrine of the Sacraments.* But to subscribe to the booke of common praier, doth not onely concerne the confession of true Christian faith: Ergo by the lawe it is not to be subscribed unto. *Subscription contrary to law.* *Anno 13. Eliz. 6. 12.*

2. That which Ministers doe subscribe unto by law, must appeare under the seal testimoniall of the Bishop, and bee publikely declared in the Church within two moneths of induction; but neither doth the testimoniall make mention of subscription to the booke, neither is the Minister bound to declare his assent thereto in the Church: Ergo it is not agreeable to the law.

3. The law especially enacted concerning the booke of Common praier onely punisheth such as doe not obserue it, and use the rights and ceremonies therein prescribed, it punisheth not such as refuse to *An. 1. Eliz. cap. 12.*

ſubſcribe thereunto: ſo that the law requireth onely obedience in practiſe, not ſubſcription in iudgement to the booke.

4. This may appeare in the equity of other lawes and ſtatutes of this land, as for the obſervation of lent and faſting daies, and other ſuch matters, whereunto it requireth not ſubſcription, but onely execution: and a faithfull ſubiect will be content to yeeld his obſervance and obedience unto many lawes, whereto hee would be loth to giue his aſſent.

VVherefore ſeeing ſubſcription to the booke is firſt againſt piety, in that many things are there preſcribed, not warranted by the word: 2. without any neceſſity: ſeeing there is a conſent in the ſubſtantiall points of faith: 3. with great partiality in puniſhing, more for ceremonies then other greater tranſgreſſions: 4. againſt the utility of the Church in depriving the ſame of ſo many profitable men: 5. prepoſterous enforcing by authority, not perſwading by argument: 6. againſt charity in not ſparing aged Miniſters, their wiues and children: 7. contrary to the practiſe of the Church: 8. equalizeth humane writings to Scriptures: 9. diſturbeth the peace of the Church: 10. is againſt the law of the land. A moſt happy ſervice your Maieſty ſhould doe unto Chriſt, benefit to his Church, contentment to your beſt diſpoſed ſubiects, to re-

mone this hard yoake and heavy burthen of ſubſcription: and doe herein as good *Conſtantine* did, who when bils of complaint were brought unto him by the Biſhops, caſt them into the fire, and made a peace among them. And as *Pompey* intercepting a packet of letters ſent to *Sertorius* tending to ſedition, burned them. And as *Baſilius* the Emperour cauſed all the ſyngrapha and ſubſcriptions, which *Photius* had of the Miniſters to be committed to the fire. *concil. gener.* 8. *Act.* 8.

Objections.

1. *Obj.* BVT *it will bee obiected that the moſt part of the pariſhes of this land haue ſubſcribed already, as the Biſhops haue to ſhew in their bookes of ſubſcription, onely a few perſons excepted.*

Anſw. To this we haue anſwered before at large in the defence of the generall cenſure: *Art.* 3. And of the preface; *art.* 6. upon what grounds and reaſons ſome were reſolued in reſpect of the tyme to tolerate by ſubſcribing that which ſimply they thought not fit to bee preſcribed to the Church.

2. Obiect. *This forcing of ſubſcription hath made an vniformity in the Land, and wrought great peace in the Church.*

Anſw. 1. VVee haue ſhewed before that nothing hath bred greater variance

and

and disturbance in the Church then this torture of subscription. 2. It was such a peace as *Hierome* speaketh of, which the Patriarke of *Hierusalem* brought his Clergy to: *quod si pacem habere non potest cum fratre, nisi cum subdito, ostendit se non tam pacē capere quam sub occasione pacis vindictam. If he cānot haue peace with his brother, vnlesse he be his subiect, he desireth not so much peace as reuenge vnder that colour.* And againe: *nihil grande est pacem voce prætendere, & opere destruere. It is no great mater to pretend peace in word, and ouerthrow it in deed.* so the vrgers of subscription pretended peace, but they intended it not, but rather extinguished it, of whō we say with *Hieroms* words: *Moneas illos pacē no extorquere, sed velle. Tell them they should not extort peace, but exhort vnto it.*

Hierom. ad Theophil.

3. Obiect. *Wee know no subscription vrged not disagreeable to law.*

Ans. That the subscription vrged is not agreeable to law is shewed before, *arg.* 10

4. Obiect. *At Geneua they strictly tie all &c. to the obseruatiō of their Church gouernment, &c.*

Answ. If the Church of *Geneua* vrge a conformitie to that which they are able to warrant by the word, and haue a positiue lawe for the same, that can bee no rule or president for such subscription and conformity, which is not so warranted. And if either they or any other Chur. shal impose

But to nothing in controuersie as our ceremonies and Discipline.

subscription

ſubſcription to that which is not grounded vpon the word, wee neyther defend nor commend it.

Obiect. 5. *Not vrging a conformity in Church diſciplne is to ſet open the highe way to all diſorder and confuſion, &c.*

Anſw: Though it may be remembred that in the tyme of popery, when they ſtood more vpon conformity in ceremonies, then proteſtants doe, there were 4 or 5 kinds of diverſe ſeruices in the laud, ſome following the vſe of *Sarum*, ſom of *Bangor*, ſome of *Lincolne* others of *Hereford*, orhers of *Yorke*: yet we miſlike not a conformity euen in externall matters. But firſt let no thing bee vrged, but that which may be warranted by the word, then let our brethren call for an vniuerſall conformity. And wee could wiſh the ſame rule to bee kept which *Gregory* the 11. ſome time preſcribed for *England*: *non pro locis res, ſed pro rebus loca amanda ſunt: ex ſingulis ergo quibuſcunqe Eccleſijs, &c. Things muſt not be loued for the place, but the place for the things: therefore out of every Church choſe ſuch things as are godly, religious, right, and theſe bound as it were in a bundle, lay vp in Engliſh harts: wee could wiſh likewiſe that for ceremonies wee followed the beſt reformed Churches.*

The

The Defence of the third part.

Reasons and arguments against Plurality of Benefices.

1. *Arg.* OVr Saviour Christ Describing a good shepheard in his owne persone sayth: *I am the good shephard, and know myne owne, and am known of mine. Ioan.* 10. 14. A good shepheard then must be conversant among his flocke, as the preacher sayth: *Agnosce vultum pecoris tui: Be deligent to know the state of they flock and take heed to the heards, prov:* 27. 23.

But so cannot they doe that haue many flockes. *Damasus* hereupon well sayth: *si domini desideramus esse discipuli, ipsius imitemur vestigia, &c. If wee desyre to bee the Lords disciples, let vs walke in his steppes, that it may bee sayd of vs, I am a good shepheard and know myne owne, and call them by name, &c.*

Damas epist. 4. decret.

2. *Arg.* A faithfull Pastor *must not be given to filthy lucre. Titus.* 1. 7. but to haue two or mo benefices, proceedeth of covetousnesse. *Nicen.* 2. can. 5. *Clericus ab hoc deinceps tempore in duabus Ecclesijs non collocetur hoc enim est negotiationis, & turpis lucri proprium. A Clergie man must not be placed in two churches, for this savoureth of filthy lucre.*

3. *Arg.*

3. *Arg.* S. *Paul* ſaith, *Let every man wherin he is called, therein abide with God.* 1. Cor. 7. 24. But they which are called to one Church, and after accept another, remaine not in their firſt calling. This reaſon is uſed by the ſame Councell againſt the having of two Churches: *Ab ipſa Domini voce audivimus non poſſe quenquam duobus Dominis ſervire, unuſquiſque in eo quo vocatus eſt debet manere. We haue heard from the Lords owne mouth, No man can ſerue two Maſters, Every one ought to remaine in that to which he is called.*

4. *Arg.* The Apoſtle ſaith, *Who is ſufficient for theſe things.* 2. Cor. 2. 16. A man is not ſufficient to diſcharge one cure, much leſſe can he ſupply the Paſtors duty in divers. This reaſon was uſed in the Lateran Councell. *part.* 1. *cap.* 13. *ſub Alex. Cum unum officium vix ſupplere poſſint, ſtipendia vendicant plurimorum: When they cannot do one mans duty, they challenge the ſtipend of many.*

5. *Arg.* The Apoſtle againe ſaith, *If there were any that would not worke, hee ſhould not eate,* 2. Theſſ. 3. 10. But pluraliſts worke not in their charge from whence they are abſent: *Ergo,* they ſhould not eate of ſuch flockes. This reaſon is urged *Oxonienſ. ſub Stephano, Si reſidere noluerint, cum non niſi laborantibus panis dandus ſit, Eccleſijs per Epiſcopum ſpolientur: If they will not be reſident, ſeeing bread muſt bee*

given

given onely to them that labour, let them bee deprived.

6. *Arg.* That vſe and cuſtome which maintaineth hirelings in the Church, and an unpreaching and inſufficient miniſtery, is not to be ſuffered in the Church: for our Saviour ſpeaketh againſt hirelings and mercenary Paſtors, Ioh. 10. 13. *An hireling flieth, becauſe he is an hireling, &c.* But the plurality of Benefices bringeth in hirelings. This reaſon is uſed by *Innocent.* 2. *Ne Eccleſiæ conductitijs presbyteris cõmittantur, cauſ.* 22. *q.* 2. *c.* 5. *Leſt the church bee committed to Hirelings.* This complaint was made many yeares ſince, as is extant, *opuſc. trip. lib.* 3. *c.* 6. *Quando ponantur vicarij, &c. When hirelings are placed, reſpect is not had to the ſufficiencie of the perſon, but to him that will ſerue for leaſt wages.*

7. *Arg.* It is not fitte that *ſome* Miniſters *ſhould a bound, and others want: that ſome men ſhould bee eaſed, others greeued,* as the apoſtle ſaith, *but that there be an equalitie.* 1. *Cor.* 8. 14. *Inhoneſtum videtur vt alij ſacerdotes habeant, alij detrimentum patiantur? Decr: cauſ,* 16. *qu.* 7. *c.* 1. But pluralities cauſe many Miniſters to bee in want, and by this meanes keepeth them out of the Church, that would doe much good: *Meliores qui laborare in Eccleſia, &c. The better ſort, that would labour in the Church, are excluded, and are forced to profane ſtudies, whenas they might be an ornament*

ment to the Church: Colonienſ. ſub Adulpho med. 3. c. 9.

8. *Arg.* S. *Paul* would haue the paſtors to bee *examples to their flocke*, τυποι, to bee as ſeales to leaue a print vpon theyr people. The latine text addeth by way of expoſition *Exanimo, to bee examples fram the heart.* 1. *Pet.* 5. 3.

And *Auguſtine* therfore fitly ſayeh, the paſtor is compared to the oliue, *propter vim oleæ triplicem: nam illuminat, paſcit, & feſſa membra fovet, &c. oyle doth lighten, feed, and cheriſh: ſo Prelates ſhould illuminate by the word, feed by their example, foſter the poore by temporall benefites.* One of theſe the Paſtor may doe being abſent, to feed the needy; but the other, to feed by his example, and lighten by doctrine, he cannot do, unleſſe he be preſent. Ser. 40. ad fratres in eremo.

9. *Arg.* Gregory gathereth this argument againſt pluralities out of that place of *S. Paul: If the whole body were an eye, where were the hearing?* 1. Cor. 12. 17. *Sicut indecorum eſt, ut in corpore humano alterum membrum alterius fungatur officio, &c. As it is unmeet that in the body one member ſhould do the office of another: ſo it is hurtfull if every miniſtration bee not to ſeverall perſons diſtributed.* Diſtinct. 89. cap. 1.

10. *Arg.* VVe will now ſhew how this abuſe of coveting after divers Churches, hathbeē cenſured by the ancient Canons. 1. They are decreed to be diſgraded: *Non licet*

licet clericum in duabus ſimul Eccleſijs co[n]ſcribi, &c. qui aliter fecerint, cadant de propr[io] gradu. Chalc. c. 10. 2. They were deprived of the benefice received after the firſt: *ſi aliter factum, qui receperit, amittat, Latera[n]. 1. c. 13.* 3. *Et qui dederit, largiendi poteſtate privetur, ibid.* The patron in this caſe loſt his gift. 4. *Electio caſſatur:* His election and admittance that had other dignities, is made voyd, *Greg: lib. 3. tit. 5. c. 18* 5. *Si illud forte retinere contenderit, alio ſpolietur.* He that contendeth to hold the firſt, having accepted the ſecond, ſhall looſe both. *Latera[n]. ſub. Innocent. 3. c. 29.* 6. *Excommunicatus niſi ad proximam revertatur Eccleſiam. Chal. c. 20.* He is iudged to be excommunicate, that returneth not to his owne Church.

Obiections.

1. Obiect. THESE canons meane, that no man ſhould bee ſet over two citties, or great townes, not any two Churches.

Anſw. The cleane contrary is evident: *Epiſcopi non in caſtellis, &c.* Biſhops muſt not be ſet in ſmall towns but preſbyters ſhould be by the Biſhops ordained in villages and townes: *ſinguli tamen per ſingulos titulos ſuos: but ſeverall perſons in their ſeverall titles. Anacle. diſtinct. 80. 3.* Here it is evidently expreſſed that the ſmaller towns ſhall be committed ſeverally to ſeveral paſtors. So like-

wiſe

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wise *Dionysius: Ecclesias singulas singulis presbyteris dedimus: wee haue graunted every Church to his proper presbyter. caus.* 13. *q.* 1. *c.* 1. *Nullus presbyter duas habeat Ecclesias: no presbyter must haue two Churches, Alex. caus* 16. *qu.* 7. *c.* 20. *In duabus Ecclesijs clericus conscribi nullo modo potest. A Clarke must by no means be placed in* 2. *Churches: caus.* 21. *q.* 1. *c.* 1.

2. Obj. *Where the maintenance of the Minister is small there it is fit the minister should unto it adioyne another.*

Answ. To this see our answer before: defence of the second part of the petition art. 3.

3. Obj. *Why may not one man hold two or three benefices, as well as one hold a Church with two or three Chappels.*

Answ. To this we haue answered likewise before: defence of the second part of the Petition. *art.* 3.

4. Obj. *The Canons onely spake against pluralities that are held without dispensation, not otherwise.*

Answer. By these means if pluralities were lawfull by dispensation, all the restraints by Canons would bee nothing else but engines to draw profits to Courts for faculties and dispensations. 2. The Canons haue no power to dispense with any precept or constitution of the Scriptures, as this is of Residence and attendance upon the flocks of the people. 3. But the bet-

ter Canons doe allow in this case no dispensation at all. *Greg. Decr. lib. 1. tit. 6. 54.* The Canon calleth *concessionem per Archiepiscopum factam frivolam excusationem. The grant or dispensation made by the Archbishop to hold more Churches, a frivolous excuse. Greg. lib. 3. tit. 5. c. 6. Ad mandatum Papæ, &c. At the commandement of the Pope one is not bound to provide for him that hath a benefice already, who cannot bee provided for without scandall. Extrav. Ioan. tit. 3. c. 1. Obtinentes plura beneficia curam animarum habentia ex dispensatione virtute illius non poterunt retinere nisi unum. By vertue of a dispensation one can hold but one beuefice.* This canon is repeated *verbatim, Extrav. Com, lib. 3. tit. 2. c. 4.* And it is the last canon in force of this matter.

Dispensation for pluralities not good by the Canons.

5. Obj. *Some that would seeme to make more conscience then others, do thinke that if they hold but one benefice with cure, that it is no transgression of the Canons to heape vp and multiply other dignities, as many as they can get.*

Answ. Yes even this also is forbidden by the Canons. *Venet. concil. can. 8. Abbatibus singulis diuersas cellas vel plura monasteria habere non licet, &c. It is not lawfull for Abbates to haue diuerse celles or monasteries, one ought to be content with one Archdeaconrie. Lateranenf. part. 24. c. 5. Illud omninò est rationi contrarium, &c. It is against all reason that one person in diuers*

Church

Churches ſhould haue an Archdeaconry and Deanery, when as every office in the church requireth perſonall attendance. Lateranenſ: part. 39. c. 6. Nullus debet habere plures vicarias: None ought to haue diuers vicarages, Decr. Greg. lib 3. tit 5. c. 5. The Canon caleth *multitudinem præbendarum canonibus inimicã The multitude of prebends an enemy to the canons.* Thus by the Canon it is not Lawfull to hold many Monaſteries, Colledges, Archdeaconries, prebends: only wee find liberty to hold a Church with cure, and a prebend, and that without diſpenſation: *habere perſonatum cum cura, & prebendam, &c. Diſpenſatio neceſſaria non exiſtit. Sext. decr. lib. 3. tit. 4. c. 6.* Yea by the imperiall Law it was not lawfull for one to hold two ciuill offices: *nec ſit conceſſum cuiquam, &c. Let it bee granted to none to haue two Magiſtracies, and to exerciſe iudgment in both: for it is not like that one man ſhould ſuffice for two neceſſary duties: for when he is preſent in one place, he muſt needs bee wanting in the other, and ſo bee wholy fit for neither, but let him bee content with one Magiſtrates place, leaving the other. Cod. lib. 1. tit. 52. leg. 13. Iuſtinian.* Thus by this Imperiall conſtitution to hold two Chancellors, or Regiſters places, to bee a Iudge in two Courts, is thought to be inconvenient.

6. Obj. *They deſire to limit the Kings fauour, ſeeing none except he bee the kings*

Chaplayne may hold three benefices with cure, &c. p. 18.

Answ. VVee take not vpon vs *to limit the kings fauour* but humbly beseech his excellent Maiestie that it would please him to limit his owne princely fauour that non-residents and pluralists, to the hurt of Christs Church, and dammage of many Christian soules, vse no longer that cloake of their covetousnes.

7. Object *It is not knowne that there bee fiue in all the land that hold three such benefices.*

Answ. If there were but one to bee found that held three such benefices, it were too much 2. Yet all the kings Chaplaynes, if they were an hundreth, might enioy the same fauour, which who seeth not, how inconvenient it would bee? and it is against the Law of fauours: *quod alicui gratiosè conceditur, trahi non debet alijs in exemplū: That which is granted of fauour to one, should not bee a measure or example for other.* 3. Our brethren all this while say nothing of double beneficed men, which are almost (sance numbre) the confuters should haue done well to haue mustered them as they haue done the other. But whether they are double or treble beneficed men, they may all bee ranged in the rank e of pluralists, according to that rule in the Law: *Pluralis locatio duorum nomin contenta est. Two make a plurall number.*

8. Obiect.

8. Obj. *What good dealing is this &c. To make the World beleeue it is acõmon fault &c.*

Answ. VVee take our brethrens confession, that it is a fault, though as they say, *no common fault*, to haue three benefices: and wee pray you why is it not also a fault to haue two? It is a fault to haue three, because it argueth a covetous mind and such an one taketh vpon him more then hee can discharge: both these faults concurre in accepting of two benefices, where one for mayntenance may bee sufficient, and two are more then a man can discharge. VVherfore according to another rule in the Law. *Cum quid prohibetur, prohibentur omnia, quæ sequuntur ex illo.* Reg. Inric. 84.
When any thing is forbidden, all things are forbidden Which follow it.

VVherfore (O most noble king.) 1 The conclusion. seeing a good shephard ought to bee conversant among his flocke. 2. Not giuen to lucre. 3. must abide wherin he is called. 4. Is not sufficient for one charge, much lesse for two or three. 5, Seeing he that worketh not in his charge must not eate. 6. And by pluralities hirelings are mayntayned in the Church. 7. By this means some men want, and other overflow. 8. And such pastors can not bee examples to theyr flockes 9. neyther is it fitte that one member should haue the office of diuerse. 10. The practise of the Church in former tymes condemneth pluralities.

Seeing nothing can be objected to the contrary of any moment. 1. That it is vnlawfull to haue not only two cities, but two townes. 2. That neither the ſmallnes of the liuing. 3. Nor largenes of the pariſh is a ſufficient excuſe. 4. Nor yet to hold them by diſpenſation. 5. nor yet to haue many dignities without cure. 6. or to hold them by ſpeciall fauour. VVe truſt your Maieſty in good time will ſee this abuſe reformed, which was ſometime odious even among the Romaniſts: *Quis per Deum immortalem miſerabilior aſpectus eſſe poteſt Chriſtianum orbem peragranti, quam hæc Eccleſiarum ſolicitudo. O good God, What more wretched ſight can there be in the Whole Chriſtian World, then this deſolation of churches.*

Suggeſt. Cardim. abuſ. 8.

Artic. 3.

Of Impropriations.

Reaſons and Arguments ſhewing that it is neither lawfull nor conuenient for Eccleſiaſticall corporations to demiſe their impropriate tythes to Lay Farmers.

1. *Arg.* TYthes ſhould be uſed according to the firſt inſtitution: but then they were permitted onely to the Prieſts: *Ergo*, they ſhould

now

now be proper to the Miniſters of the Goſpell. Thus *Damaſus* groundeth his reaſo upon the equity of *Moſes* Law, which prohibiteth any ſtranger ſaving onely *Aaron* and his ſonnes to eate of the holy things. *Exod.* 29.33. VVhereupon hee writeth thus: *Oblationes, quæ intra ſanctam Eccleſiam offeruntur, &c. Oblations offered in the Church ſhould by no meanes be under the power of lay men, but it is onely lawfull for Miniſters to eate and drinke thereof, becauſe in the old Teſtament the Lord did forbid any of the children of Iſraell to eate of the holy bread, but onely Aaron and his ſonnes,* Damaſ. Decr. 3.

2. To uſurpe the Lords right without his warrant, is preſumption. But tythes are holy to the Lord, *Lev.* 27. 28. *What is holy to the Lord he giveth to the Prieſt.* Numb. 18. 14. *Every thing ſeparate from the common uſe, ſhall be thine.* And God hath no where transferred his right to any other but the Prieſt: *Ergo,* it is preſumption for any (but the Prieſt) to challenge tythes. Thus reaſoneth *Boniface, Decr.* 3. *Omne quod Domino conſecratur, &c. Whatſoever is conſecrate to God, belongeth to the right of the Prieſt, therefore he is inexcuſable that taketh ſuch things away.*

3. Tythes are due for the ſervice in the houſe of God: they onely haue right to reape temporall things that ſow ſpirituall: Lay men performe no ſpirituall duty:,

Ergo, they ought no wayes to reape temporall things due for the same. This reason *Chrysostom* useth: *Quomodo nunc sub Evãgelio debẽt Laici oblationes &c. Vnder the Gospell how should Lay men either eate themselues, or let to others the oblations which Christians offer to their Pastors seeing it belongeth not to them to pray for others.* in Math. 12.

4. *Augustine* upon that place, *Exod.* 22. 29. *Primitias areæ tuæ, &c. The first fruits of thy flower and Wine-presse, thou shalt not be slow to pay*, thus collecteth: *Si tardius dare peccatum est, quantò pejus est non dedisse? If it be a fault to giue slowly, a greater it is not to giue at all. de Temp. serm.* 219. from hence wee inferre thus: Lay men must pay tythes, *Ergo*, it belongeth not to them to take tythes. As *Ierome* well sheweth, speaking of the difference of Lay men and Clergy-men. *Clerici pascunt oves: Ego pascor, &c. Clergie men feed their sheepe, I am fed: they liue of the Altar, but the axe is laid to me as a fruitlesse tree, if I bring not to the Altar.*

Hieron. ad Heliodorum

5. I urge *Ambrose* reason: *tanta merces esse debet Evangelizantis regnum Dei, &c. Such should be the reward of him that preacheth the Gospell, that he be neither grieved nor extolled*, 1. *Tim.* 5. But where lay men farme their tythes, the Ministers portion is scant, and hath not sufficient maintenance, therefore it is inconvenient that they should

ſhould farme the tythes.

6. The Biſhop and other Cleargy men are bound by the Canons to relieue poore miniſters of their owne, if need ſo require: *Si quis Epiſcopus aut Preſbyter Clerico ex inopia laboranti, &c. If a Biſhop or Preſbyter doe not miniſter things neceſſary to a clergie man in want, let him bee put from the communion.* Can. Apoſt. 58. *Epiſcopus pauperibus & infirmis, &c. A Biſhop to thoſe poore and impotent that cannot worke with their owne hands, muſt giue victuall and rayment.* Aurelianenſ. can. 18. If they are bound to helpe other poore, much more ſuch as are of their owne calling; and if they ought to giue them of their owne, much more to reſtore them that which by right is theirs, and not to enrich lay men, and ſuffer the miniſter to begge.

7. That is neither Lawfull nor conuenient whereby an vnpreaching Miniſtery is maintayned, and the preaching of the word hindred. But by demiſing tythes to Lay men, and ſeuering them from the Miniſters vſe, this inconuenience enſueth, *Ergo. &c. Hierome* complayning of couetouſnes of Biſhops in his time, ſhewed what enſued therevpon. *Solus Epiſcopus incubat diuitijs, ſolus vniuerſa ſibi vendicat, ſolus partes inuadit alienas, ſolus occidit vniuerſos. The Biſhop onely would be rich, he onely challengeth all things, he onely inuadeth other mens right, he onely killeth all. de 7. ordinibus*

ordinibus. By this meanes, while the Minister was depriued of his maintenance, many mens soules perished for want of teaching. The same reason is alleadged in the Canons, that for want of sufficient maintenance *sæpe contingit quod non inueniantur idoneæ personæ, &c.* *It often falleth out that fit persons are not found which will take such Churches, and so often times they are bestowed vpon such as are not fit, Whereby souls are endangered.* *Greg. lib. 3. tit 4. c. 1: Decr.*

8. The same Canons allow not Religious men themselues to occupy to their own use the tythes of the Churches, sufficient maintenance not being left for the Minister, much lesse ought others to doe it in their right: *Clemens 3. Fuit olim per sedem Apostolicam providè constitutum, &c.* *It hath been in time past providetly decreed by the seat Apostolick, that the Dioceſans should admit none to any Church presented by Religions persons, unlesse in their presence so much of the reuenewes of the Church were assigned, Whereout they might haue sufficient maintenance Decr. Greg. l. 3. tit. 4. c. 1.* yea ecclesiastical persons are bound for their lands to pay tythes, much more not to take away tythes, where otherwise the maintenance is scant. *Cabilonens. sub Carolo, c. 19. Decreuit sacer iste conventus, ut Episcopi, & Abbates de agris, & vineis decimas Eccles. dare faciant.* If then clergy men themselues

are not to poſſeſſe tythes where ſufficient is not remaining for the Miniſter, much leſſe ought Lay men in their name to doe it.

9 By the Law both Imperiall and Canonicall, it is unlawfull to alienate by any meanes the poſſeſſions and lawes of the Church, *Cod. lib. 1. tit. 5. leg. 14. Leo Anthemius: Iubemus nulli poſthac Archiepiſcopo eſſe facultatem, prædia, &c. Wee will that from henceforth no Archbiſhop haue power by any kinde of alienation, to convey to any perſon whatſoever, their manners, immoueables, civill reuenewes; let them keepe them inviolably without any mutation: no though all the clergie men ſhould conſent with the religious Biſhops in the alienation of ſuch poſſeſſions. Sicut ipſa Eccleſia perpetua eſt, &c. ita ejus patrimonium jugiter ſervetur illæſum;* as the church is perpetuall, ſo ſhould the patrimony thereof remaine untouched: he that buyeth ſuch, ſhall looſe that he payd, the writer ſhall be baniſhed, the iudge ſhall forfet his goods and his place. Hereunto alſo the Canons agree: *Definivit Synodus, &c. The Synod hath decreed that no Biſhop ſhall ſell the ſalaries or poſſeſſions of the church, let him bee depoſed as a tranſgreſſor of the Divine lawes. Octav. Synod. general. c. 15. Non licet Papæ, &c.* It is not lawfull for the Pope to alienate any man, nor of the Church for any neceſſity. *Nec in uſum fractuarium dare, &c.* Nor to giue the lands in fee farme. But it is much more Caus. 12. q. 2. c. 10.

more to alienate tythes from the Minister, which is the proper inheritance of the Church, then other temporall lawes. If this bee unlawfull, much more the other.

10. The Canons doe not onely hold it unlawfull for lay men to possesse tythes, *usus decimarum secularibus provenire non potest*, Caus. 16. qu. 1. c. 68. *Nullus decimas ad alios pertinentes accipiat.* Leo caus. 16. qu. 2. c. 4. But they doe grievously censure them, *Qui non Ecclesiæ restituerint iterum, &c. He that restoreth not to the Church the things which belong to the Church, neither do yeeld his evidences to be cancelled, let him stand accursed till he doe it.* Caus. 12. q. 2. c. 13. *Decimas quæ in usus pietatis concessas esse, &c. Tythes which the canons shew to haue been given to pious uses, wee forbid any lay men to hold, whether they haue received them of Kings or Bishops; unlesse they restore them to the church, let them know that they haue committed sacriledge, and incurred the perill of damnation.* Caus. 16. q. 7. c. 1. What more grievous sentence could bee given, then that they which usurpe the tythes of the Church, *commit sacriledge, stand accursed, and are guilty of eternal damnation.*

11. Bishops also and Clergy men making grant of tythes to lay men, are censured by the Canons: *Episcopus, qui non sacerdotibus, sed laicalibus personis decimas conferat,*

conferat, inter maximos hæreticos & Antichriſtos, &c. A biſhop conferring tythes not upon Prieſts, but lay men, is not the leaſt among heretikes and Antichriſts. Cauſ. 16. q. 7. c. 3. *Statuimus ut ſi quis alicui laico conceſſerit, &c. He that granteth a Church or a tythe to a lay man, let him be cut off from his place, as an unfruitfull tree,* Greg. lib. 3. qu. 30. c. 17.

12. Impropriations where ſufficient maintenance is not left to the incumbent, are ſuppoſed not to bee good in law. That this may appeare, we will ſhew by what degrees they were firſt founded.

By what degree impropriations came in.

1. At the firſt the annexing of tythes to other places, and converting them to other uſes, was held unlawfull: as mention is made of a generall Councell, wherein it was decreed, *Quod ex tunc canonicis ad eorum ſuſtentationem capellæ non cõcederentur: That Canons ſhould not haue chappels for their maintenance. Greg. l. 3. tit. 5. c. 33.*

2. Afterward a reſtraint was made, that no more Churches ſhould be appropriated *Vt prælati beneficia non applicent menſis: that Prelats apply not benefices to their tables. Clem. l. 7. tit. 5. c. 1.*

3. Then order was taken, that no Churches ſhould be appropriate, unleſſe ſufficient maintenance were left to the Miniſter: *non obſtante Epiſcopi conſuetudine; notwithſtanding any Epiſcopall cuſtome.* And that he which did not leaue *congruentem de proventibus*

ventibus Ecclesiæ portionem: a competent portion of the Church revenewes, should bee depriued of the benefice: sciat se authoritate istius Decreti illa privatam. Decr. Greg l.3.tit. 12.c.1.

4. By the law of the land bequeasts alienated, and not employed according to the mind of the founder, are forfeited being *contra formam collationis*: *ann.* 13. *Edward* 1. as in this case tythes are, which were first given for the maintenance of the Minister, and preaching of the word.

5. Yea it is also provided that no Church bee appropriate, but a certaine summe of Money should go yearely to the reliefe of the pore parochians, and vicar bee well & sufficiently endowed, otherwise to bee voyd: *ann.* 4. *Henr.* 4. *c.* 12. and what it is to be conveniently endowed, is there expounded, to do divine service, to enforme the people, and keep hospitality *ibid.*

13. VVe will lastly shew the inconveniences that arise by farming tithes to laymē. 1. By this means we shewed before an unpreaching ministry is maintained, and many perish for want of teaching. 2. Learning decayeth, the rewards thereof being taken away: *Vnde fit, ut in his regionibus, &c. Wherefore it commeth to passe that in these countries scarse any parish Priest is found, qui ullam vel modicam habeat peritiam literarum: Which hath any mean knowledge of letters. Decr. Greg. l.3, tit.5.c.30.* 3.

Hospitality

Hoſpitality faileth, and the poore want their relief. 4. The Miniſters themſelues are in great want, and many times driuen to hard ſhifts, as *Hierome* complayneth in his time, *mendicat infœlix Clericus in plateis. The pore clergie man beggeth in the ſtreets, and is conſtrayned to liue of his labour, and to aske almes. de 7. ordinibus.* 5. The Marriage of Miniſters is made ſcandalous, who dying, by this means wanting proviſion, leaue many pore widowes, and orphanes. 6. It is the occaſiō of Non-reſidency & pluralities whē Miniſters not finding one liuing ſufficiēt are forced to take another to it. 7. By this means where a ſufficient paſtor is wanting, the wolfe taketh occaſion to ſpoyle the flock: many *S*eminaries and Ieſuits do creep in corners. 8. The people paying their tythes to others, are burthened wᵗʰ new collectiōs to maintain a preacher. 9. Clergy men giue offence in diſpoſing ſo evill of theyr impropriations, and cauſe other noble and gentle men by their example to draw backe, and they themſelues are corrupted by it, and become careleſſe in their owne flockes, as *Hierome* well noteth. *ſi carnales diuitias quæ labuntur non benè diſpenſatis, &c. If yee doe not well diſpenſe riches that fade, the true and euer enduring riches of heauenly doctrine who ſhall giue you. Hier. Algaſ. q. 6* . 10. They cauſe other men to uſurp upon the poſſeſſions of the Chur. occupying the place, & habita-

tion

tion of Rectors and parsons, as they are called, not being answerable to the name in any duty which kind of title and calling the Ciuill Law vtterly condemneth. *Si quis sub nudo appellationis velamine se collegiatum appellat, &c. If any doe call himselfe by the naked name of a Collegiate or Ecclesiasticall person, another shall be put in his roome. Cod. lib. tit. 5. leg. 9. Theodos. Valent.* All these inconveniences might as much as in them lyeth easily bee helped, if Bishops, Cathedrall Churches, Colledges would demise their tythes only to the incumbent Minister during his life and incumbency for the old rent, and some reasonable fyne at his entrance, as the first years fruites, the charges diducted.

Objections answered.

1. Object. *THESE Canons before alleadged onely probibite lay men in theyr owne right to possesse tithes.*

Answ. Yea they forbid that they should take tithes to farme *sub interminatione anathematis, &c. Vnder paine of the curse. Ne laici Ecclesias ad firmas teneant: that lay men take not Churches to farme.* Thus *Alexander* the third did write to the Bishop of *London Decr. Greg. 3. tit. 50. c. 6.* Which Canons are yet Law in the Church of *England*, where they are not contrariate to

the

e ſtatutes of the Realme.

2. Obj. *But miniſters are prohibited by ſtatute Law to hold any leaſes or farmes.*

Anſw. This law was made onely againſt that abuſe of Miniſters, which buried themſelues in buying and ſelling, in occupying brew houſes, and tanne houſes, and engroſſed farmes. It was not made againſt ſuch which did it for neceſſity. *Hierome* maketh mention of the like imperiall law, that was made againſt the greedy purchaſing of Clergy men: *Non de lege conqueror, ſed dolco quod meruerimus hanc legem. I complaine not of the Law, but I am ſory men haue deſerued this Law: the Medecine is good, but how do I need it? ad Nepotian.* 2. Yet this law obiected alloweth Miniſters to occupy farmes for the ſuſtentation of their family. 3. This ſtatute may be helped by another.

3. Obj. *The ſtatutes of ſome Colledges are againſt it, by the which the ſenior is alwayes to be preferred, whether ſufficient or not, and ſo the Church ſhould haue ſome unmeet men ſtill.*

Anſ. 1. If any fellowes of houſes be unſufficient, it is their fault that choſe them & they in ſuch elections tranſgreſſe their own ſtatutes. 2. And yet we hope none are ſo unſufficient, but if they bee willing, might do good in the Church. 3. Better a miſchiefe bee ſuffered for once to prefer a man not ſo meete, then a perpetuall in-

convenience in preferring no meet men at all.

4. Obj. *They could not be assured of their fine and rent, fellowes of houses for the most part being poore.*

Answ. As though it bee not in the power of the Colledge, so to make their leases with a clause of reentrie or forfeyture, that they may bee secured of both.

5. Object. *It would make division in the Colledges about the bestowing of such leases.*

Answ. If an uniforme order be set, that the Senior bee alwayes preferred in his place, it will make no division at all.

6. Obj. *Yea but the Colledge shall susteine losse in their meane fines, wch they might take for the renewing of such leases of their farms.*

Answ. 1. If it were some losse, is it not every mans part for a common good to bee content to depart with some private gaine? 2. It would be no losse, but a benefite, both in that their owne Society in their course should be provided for, and the Colledge should haue fines for every life, whereas now they fine but once for three liues, or 21. years.

7. Obi. *But some impropriate tithes are worth 300 or 400 pounds by the yeare, too much for a preacher.*

Anſ. 1. Is it (not too much for a lay gentleman or yeoman, and is it to much for a preacher,

preacher. 2. And if this be too much for a preacher, how coms it that some y^t preach not, or very little posseſſe twice so much? 3. Where the tithe is of such value, for the most part, there are Chappels annexed, where Preachers by proportionable allowance should be maintained.

8. Obj. *But the Church, where tithe is not to be let, is full already with a minister not sufficient.*

Answ. Let him bee provided for elsewhere, or else the preacher, that hath the impropriation may expect the avoydance, and then take the whole charge, and this doubt is but for the first time onely.

9. Obj. *In many places the Rectory and the Manor goe together.*

Answ. The tythe may bee easily divided from the Manor, and the rent apportioned.

10. Obj. *In some places the vicarages belong to one Patrone, the impropriate tythes to another, how then can they bee conferred upon one man?*

Answ. As in some Churches already the Patrones present by turnes: so it may be in this case, that as much as the tythe is better then the vicarage endowed, so the like, oddes should bee in their turnes of presenting: the one to present twice or thrice to the others once.

11. Obj. *But the impropriations are now the free hold of the Church, which cannot be*

diſpoſed of them without great danger to their ſtate.

Anſw. VVee moue not to haue the inheritance of impropriations taken away from the Church, but the farme thereof to be otherwiſe diſpoſed of for the maintenance of preachers.

12. Obj. *Their diſpoſing of Impropriations doth notably bewray their lacke of conſcience, &c. Anſ. p.* 19.

Anſw. VVee tremble to thinke that the Confuters ſhould obiect to us *lacke of conſcience*, for deſiring that the impropriations of the Churches ought to be let to the incumbent preachers for the old rent. O what blinde Iudges are they of matters of conſcience! VVe appeale to God and their owne conſcience, that nothing but conſcience hath mooved us to make this ſuite; ſeeing that ſuch impropriations ſo employed are a great occaſion to nuſle the people in ignorance, and an apparant let to preaching, and propagation of the Goſpell: But if this were lacke of conſcience, that is more, to let out Impropriations as they do, to lay farmers, without reſpect to the preachers, & the poore peoples ſouls, God bee iudge between us and our brethren for this.

13. Obj. *If they ſhould bee demiſed for the old rent, without fyne, &c. Who ſeeth not that it would bee the certayne overthrow, and vtter ruine of Biſhopricks, Colledges, &c. ibid.*

Anſw.

Anſw. Neither can this device poſſibly tend to the *ruine* and *ouerthrow, of Biſhopricks, Colledges, &c.* Seeing the old rent is ſtil continued. The fine if it were remitted, were in moſt of theſe places, but a loſſe to priuate mens purſes, who make a diuident of it: where it goeth to the ſtocke of the houſe, a reaſonable fine might be reſerued as the fruits of the firſt yeare, or ſuch like: and as for improuement, it is well known that ſuch corporations vſe not to improue their rents being certaine: but contrariwiſe this courſe would eſtabliſh all the foreſaid foundations, this being a ſervice ſo acceptable to God, that his Church ſhould bee provided for.

14. Object. *But by this, a few, and thoſe the meaneſt of the Clergie onely ſhould bee prouided for, the hinderance would redound to the better ſorte.*

Anſw. Not ſo few as 400. preachers ſhould bee mayntayned by this meanes: for the number of impropriations belonging to Eccleſiaſtical corporations, cannot be leſſe. 2. VVe grant that they are meaner in dignities and preferments, but as neceſſary for the Church, as richer prelates. 3. And the meaner they are, they haue ſo much the more need: the richer the other, ſo much better able to ſpare it.

15. *Object. Theſe men in all their purity can content themſelues with a ſeventh part onely of an impropriation in a lay mans fee.*

Anſ. If for a lay man to hold tythes or impropriations, were originally unlawfull, and contrary to the firſt inſtitution, as our brethren truely ſay, why then doe they like that lay men ſhould be farmers of their impropriate tythes, rather then preachers? VVhy ſhould they envy that benefit to their fellow-miniſters, which they yeeld to their fellow brethren of the lay ſort? For as the Canons doe prohibit, *That lay men ſhould hold tythes by inheritance, Decimæ à Laicis non debent iure hæreditario poſſideri*: So neither doe they permit that they ſhould take them to farme. *Ne Laici Eccleſias ad firmam teneant.* Neither need it offend our brethren that we ſeeme to be content with a ſixt or ſeventh part, (not a ſeventh part onely as they charge us) of ſuch impropriations: wee could wiſh the whole were reſtrained. But ſeeing that ſome hold them by inheritance, and ſome by purchaſe, ſome of good place are wholy maintained of them, ſuch a motion would haue ſeemed unreaſonable: we ſay as not long ſince a provinciall Synod complained: *Decimas potiſſimum Eccleſiarum miniſtris deberi non eſt dubium*: *That tythes are principally due to the Miniſters, it is not to be doubted, but now they are every Where ſo uſurped of lay men, that they cannot eaſily bee pulled out of their hands.* And this was one cauſe of ſo qualifying our motion; as alſo leſt

Lateranenſ. ſub Alex. par. 50. cap. 29.

part. 27. c. 3 vntruth.

We doe not content our ſelues with a 7. part only.

Reaſons of the Petitioners motion concerning lay mens tythes.

Synod. Colō. part. 8. c. 5.

leſt we might haue ſeemed to be partiall, while we wiſh Eccleſiaſticall impropriations to ſtand, for the maintenance of their corporations, and aime at the diſſolution of them of the lay ſort: as further fearing leſt ſuch a motion for theſe might haue been prejudiciall and dangerous for the other, that ſerue to the maintenance of learning.

16. Object. *It is poſſible that the men whom they ſo much contemne, would bee able to propoſe ſome other courſe, &c.* *vntruth. We deſpiſe them not.*

Anſw. This courſe to be taken for impropriations, tendeth not to the alteration or iniury of any ſtate. And if the confuters (who it were to be wiſhed did no more deſpiſe their brethren then they are deſpiſed) could haue propoſed any other courſe for the maintenance of the Church, they might haue done well ſo to doe. But it may be worthily ſuſpected, that they can hardly giue counſell to others, that will not take it themſelues: that they which take upon them the defence of Non-reſidents, pluraliſts, impropriations, can ſpeake for the maintenance of the Church. *Ambroſe* ſaying may well fit ſuch: *Quis vtilem cauſæ alienæ iudicet, quem inutilem videt vitæ ſuæ, quommodo eum iudicare potes ſuperiorem conſilio, quem vides inferiorem moribus: ſupra me eſſe debet, cui me committere paro: an eum idoneum putabo, qui mihi det conſilium, qui non dat ſibi. Hee cannot* Lib. offic. 2. 12.

Giue counsell to another that will take none himselfe: neither can hee bee superiour in advice, that is inferiour in life. And to conclude, nothing can bee objected of any weight or moment to hinder so good a worke, and so princely a motion, which the Kings Maiesty by his letters hath first made, whose Christian zeale ought to make others forward: Let every man laying aside his owne private respects, further the common cause, and seeke the generall good of Christs Church, that S. *Pauls* complaint be not renewed; *All seek their owne, and not that which is Iesus Christs,* 2 Phil. 2. 27. And *Hierome* well saith: *Ne lucra sæculi in Christi quærat militia, &c: Seeke not the worldly gaine in Christs seruice.*

THE

THE DEFENCE OF THE FOVRTH PART OF THE PETITION concerning Church Diſcipline.

1. Obj. *WE haue been taught heretofore that Diſcipline is an eſſentiall part of the Goſpell, &c. and matter of faith.* Anſ. p. 20.

Anſ. That the Diſcipline of the Church (being generally underſtood) is a matter of faith, and an eſſentiall marke of the Church, I hope our brethren will not deny: For *Diſcipline* comprehendeth not onely the adminiſtration of the keyes, but ordination and impoſition of hands: but without ordination there are no preachers: *How ſhall they preach unleſſe they bee ſent, Rom.* 10.15. And without preaching there is no beliefe, *ibid. verſ.* 14. Wherefore without ſome part of *Diſcipline* it cannot bee denied, but that the Church is no Church, faith no faith: but generally of euery part it cannot be ſo affirmed. *Cyprian* is very peremptory for the *neceſſitie of diſcipline*, thus writing: *Apparet non aliter* Lib. 2. ep. 7.

Perpetuall gouernmēt of the Church, p. 208.

Eccleſiaſticæ

Ecclesiasticæ saluti consuli posse, &c. It appeareth that the safety of the Church cannot otherwise bee provided for, unlesse they which are against it, as contrary floods, bee repelled; and the ordor of Discipline, as the stirring oare in a tempest, be kept safe.

2. Obj. *It is now come to be so indifferent, &c. that it will suffer an* OR ELS, *or* AT THE LEAST. *Ibid.*

Ans. And what haue the petitioners here moved, which the kings most excellent Maiesty hath not first written: *That* Conf. p. 44. *the Discipline of the Church bee preserved in purity according to Gods Word.* VVhat needed our brethren then to haue carped at this petition? Neither is that disiunctiue clause (*or else at the least*) any contradiction or repugnance to the former, but an exception and qualifying thereof, which giveth the adversary no advantage, as the Law saith: *Exceptionem obijciens non videtur de intentione adversarij confiteri, Reg. Iuris* 63. And it is a condescending to the time, that where the perfection desired can not be had, reformation be sought, that may be attained. VVherefore as the rule is in the Law: *In Argumentum trahi nequeunt, quæ propter necessitatem aliquando sunt concessa, Reg. Iuris.* 78. *That which is yeelded to the necessity of time, must not bee urged as the integrity of the thing.* If Christs institution were exactly kept, many things should be amended that are here not named: but

but the Petitioners haue onely mentioned thoſe things which in reaſon they thought would not be denied or gainſayd.

3. Obj. *Were we perſwaded that their diſcipline were of Chriſts inſtitution, could we be without it? &c.*

Anſw. VVhat our brethren will be perſwaded wee know not: but if theſe things which are mooved bee not proved to bee agreable to the word of God, and the practiſe of the primitiue Church, wee deſire not to bee heard, but to be reiected with our cauſe. VVee will not obtrude our owne fanſies but meaſure our iudgment by the ſcriptures, as *Origen* ſayth: *Exhibeo ſenſus mei teſtem ſcripturam: ſenſus noſtri & enarrationes ſine iis teſtibus non habent fidem: I yeeld the ſcripture a witneſſe of my ſence: my expoſition without the ſcripture let it bee of no credite.* Homil. 11. in Ierem. Homil. 9. in Ierem.

4. Obiect. *His excellent Maieſty hath had experience of the manifold miſcheifes, that attend their pretended diſcipline, &c.* Anſ. p. 20.

Anſw. This diſcipline and reformation intended by vs, is not attended vpon by any ſuch *miſchifes*: other mens ouerſights wee iuſtifie not, neither approue any vnaduiſed proceedings. Neither hath his Maieſtie ſo euill opinion of the *Scottiſh Diſcipline*, as they inſinuate. The right vſe of a thing muſt not bee condemned for the abuſe: as the Law ſayth: *Vtile non debet per inutile vitiari: Neither the cauſe miſ-*

iudged

Reg. Iuris. 37. Reg. Iuris. 76. *iudged for the persons fault. Delictum personæ non debet in detrimentum Ecclesiæ redundare.*

1. *Enormity against Excommunication by lay persons.*

1. THeir first defense is *that whatsoever the Chancellour doth on this case, he doth it in the authority of the ordinary.*

Answ. 1. It is a question whether the Bishop himselfe, the Archdeacons, or any other ordinary, alone haue any power to excommunicate. VVe are sure that neither Scripture, or example of the primitiue Church will beare them out in it. Our Saviours rule is: *Dic Ecclesiæ:* tell it to the Church: after the contempt whereof the party is to be held, *as an heathen & publican* that is to be excōmunicate. But never was it yet heard that one man should stand for the Church. That *Dic Ecclesiæ*, in some mans constructiō should be *dic Episcopo, dic Cācellario, dic Officiali:* as the Papists wrest this place: *dic Ecclesiæ*, that is, *dic Papæ, dic Pontifici Romano*: but of this matter more shal be said in the end of this treatise. Then if they haue not this power in themselues, they cannot transferre it to another as the law saith: *Nemo potest plus iuris transferre in alium quam sibi cōpetere dignoscatur. No man can giue more to an other*

Reg. Iuris. 79.

other, then hee hath himſelfe. As the compariſon is preſumptuous to compare the Biſhop to the King, the Chancellour to the Lord Chancellour, ſo the caſe is not alike, for a civill power may bee committed over to others, but a ſpirituall power cannot be transferred, but ought to bee executed in every mans perſon, as the Apoſtle ſaith: *hee that hath an office, let him attend upon his office.* Rom. 12.7. *Salomon* in the Canticles ſheweth the difference of the Civill and Eccleſiaſticall adminiſtration: *Salomon gaue his vineyard to keepers: but my vineyard,* ſaith Chriſt, *which is mine, is alwayes before me.* As wee miſlike that Chriſt ſhould haue any vicar in earth: ſo neither ſhould any of Chriſts miniſters execute their charge by their vicars: S. *Peter* ſaith; *Feed,* τὸ ἐν ὑμῖν ποίμνιον, *the flocke which is in you,* that is, alwayes in your ſight.

Cant. 8. 11. 12.

No ſubſtitute in duties ſpirituall.

1. Pet. 5. 2.

The Canon law ſayth: *Non poteſt eſſe Paſtoris excuſatio, ſi lupus oves comedit, & paſtor neſcit. It is no excuſe of the ſhepheard if the Wolfe devoure the ſheepe, to ſay, hee knowes it not.* It was never well with the Church ſince Prelates taking more upon them then in their own perſons they could diſcharge, committed their ſpirituall affaires to Deputies and Vicars. Of this abuſe *Erkius*, a man otherwiſe bad enough, complained in the popiſh Church: *Noſtrates prælatos ordinem Apoſtolicum invertere,* &c.

Decr. Greg. lib. 5. tit. 40 c. 5.

&c. Our Prelates invert the Apostolicke order, who thinking spirituall things too heavy for them to heare, doe use the helpe of Suffragans in their Pontificals; of Officials in their Iudicials; of Penitentiaries in absoluing sinners, of Monkes in Preaching. Iodocus Clictoveus in his sermons was wont thus to taunt such: *Adibunt per vicarios in paradysum: in persona inferos. Such shall by their vicars goe to heaven: but in their own person to hell.*

Hom. 2. de Stephano.

3. Though the Ordinary had power to excommunicate alone, and might transferre that power to another, yet lay persons alone are not capable thereof. For Christ when he sayd: *Whose sinnes yee remit, are remitted; whose sinnes yee retain, are retained,* spake onely to the Apostles and Ministers. Hereunto the Canons agree: *Indecorum est laicum esse vicarium Episcopi, &c. It is unfit for a lay man to be a Bishops vicar, and secular persons to iudge in the Church, and a divers profession to be in one office.* And by the same Canon, the Bishop that shall make a lay man his vicar, is held to be *Contemptor Canonum: A contemner of the Canons.* But nothing is now more usuall then for lay men, Civilians, to be Chancellours, and Vicars generall to Bishops.

Kissel. 2. c. 9

The second defence: *The Chancellor, Officiall, Commissary, decreeth the party to be excommunicate, a Minister associate vnto him by expresse authority from the Ordinary denounceth*

nounceth the sentence of excommunication. Ans. p. 211

Answ. 1. This is but a new tricke, and frivolous device: who knoweth not the Minister assistant to the Chancellour (who is for the most parte of the meanest and simplest of the Clergie) is but a Cyphar, he doth nothing but by his masters direction, excõmunicateth and absolueth at his pleasure, contrary to the Apostles rule to Timothy. *I charge thee &c. that thou obserue these things without preiudice, or prefering one before another, and doe nothing partially.* 2 Tim. 5. 21.

2. By the Prouincialls, no sentence of Excommunication is good but in writing: *Sententiæ latæ sine specialibus literis dominorum, quorum interest, non ligant.* VVherfore this sentence of the Minister beeing not extant in writing vnder his seale, and so deliuered, is of no value in Law: and the people vnder this colour are abused. Linwood de senten. excommun. 6.

3. It is vnlawfull for a lay Ciuilian in cases, which appertayneth to correction to send out citations, or to decree excommunications: he must neither *Investigare, inquirere, punire, corrigere, excommunicationum literas decernere*; And as he cannot doe it in his owne name, so neither can he by the Law publish excommunications in another mans name. The Law is: *Quod alicui suo non liceat nomine, nec alieno licebit.* And the prouinciall is flat, *Ne laicus quouis exquisito colore sub suo uel alieno* Reg. iuris: Bonif. 6. 7. Linwood de

nomine

Cant. coniug. cum ex. 1. *nomine, &c. that a lay person by any pretense vnder his owne or others name doe exercise no iurisdiction spirtual whatsoeuer*. And all such citations, excommunications, and processe are voyd: not onely if the iudge bee a lay person, but the Register also.

Ans. p. 22. Thirdly: *they vse but the aduise and Ministrie of a wise ciuilian in decreeing who is to bee excommunicate*.

Answ. 1. If had beene to bee wished that Ecclesiasticall persons had not medled in such affaires, wherein they haue no skill: according to the auncient Canons: *Episcopus tuitionem testamentũ non suscipiat: Carthag*. 4. 18. *That the Bishop should not take vpon him the tuition af a testament. Clerici ad sacrum Ministerium electi actibus sæculi renuntient: Clergy-men must renounce all secular acts. Auerens. can*. 12. The

2. Tim. 2. 4 Apostle saith *no man that warreth, entangleth himselfe with the affaires of this life*: whereupon *Ambrose well writeth, Ecclesiasticus officium impleat quod spospondit, a seculari negotio alienus: non enim conuenit unum duplicem professionem habere: a Clergie man must bee free from secular businesse, for it is not fit that one should haue a double profession*. 2. But seing these causes, as matrimoniall, testamentarie, decimarie, are now annexed to the Episcopall iurisdiction, such matters, as they call of instance it is fit they bee referred to the Civilians: In such cases let them not onely be advisers

Amb. in 2. 2.

sers, but iudges. But as for matters of office, as they are called, which are meerly Ecclesiasticall, wee suppose that Ministers are better able to iudge, then Civilians, and heerein it is not fit they should be assistants to advise, much lesse iudges to determine, let them containe themselues within their owne element.

2. VVhereas wee are referred to the book of the *perpetuall gouernement of the Church*: let it bee noted that there it is confessed *that Iudges of the Civill law take not upon them the power of the keyes committed to the Apostles: their suspensions, excommunications, &c. they claim not by Gods law, but by mans.* VVherefore seing it is confessed, that this manner of Excommunication by lay men, is humane, the Petitioners request is reasonable, that this abuse be reformed, and such usurpers upon the keyes of the Church restrained. pag. 320.

Fourthly it is obiected: *If the discipline were once a foote wee should then heare tell of Lay Elders, &c.* Ans. p. 22.

Ans. 1. The Petitioners say nothing of *Lay Elders* in their Petition, but that there haue been such *Lay Elders* in the Church, which haue intermedled in the Ecclesiasticall affaires, it cannot bee denied. As Reverend *D. Fulke* confesseth out of S. *Ambrose* thus writing: or *else hee meaneth of those Elders that Saint Ambrose speaketh of upon the first verse* Fulke ans. to the Rhem. 1. Tim. 5. sect. 13.

of this chapter, that were appointed onely for government not for teaching. 2. Is not the like practiſed in the high commiſſion, for cauſes Eccleſiaſticall, wherein diverſe Reverend perſons of the civil ſtate are Commiſſioners. And let not our brethren bee ſo hot againſt *Lay Elders*, ſeeing I hope they will not deny, but that they may haue voices in Sinods. And what greater inconvenience is it for lay men to bee aſſiſtants in Eccleſiaſticall affaires then for Clergie men to interpoſe themſelues in Civill, and why might not as well Civill perſons if it ſo pleaſed the ſtate, be of the Convocation houſe, as Eccleſiaſticall of the parliament, as it was practiſed in *K. Henry the* 8. his raigne, when that worthy *Lord Crumwell* was made vicegerent in matters Eccleſiaſticall, and was himſelfe preſent in the aſſemblies, and at the diſputations of the Biſhops. 3. Yet are wee far from making him a Clergie man, as the Confuters a little before confeſſed (though they haue ſoone forgot themſelues') of Civilians in theſe words: *A chancellour or a commiſſary is not a lay man in this caſe.* And yet there is a great differéce between theſe *lay Elders* which are but aſſiſtants in the presbytery with others, & theirs, who are ſole agents and principals in Eccleſiaſticall Courts. And therefore we may retort the Confuters ſaying upon their own heads, *that they reproue others* for ſpeaking for *Lay Elders*

Of lay Elders

Fox. p. 1182

ders, and allow the ſame themſelues. But there is a principle in the Law: *Quod ſemel placuit iterum diſplicere non poteſt. That with once did pleaſe, cannot againe diſpleaſe.* And *Hierome* could haue told them: *perdit authoritatẽ dicendi, cujus ſermo opere deſtruitur: He looſeth the authority of teaching, that overthroweth his Words by his Works.*

Reg. iuris. 21.

Hieron. Ocean.

Of Excommunication for trifles.

THE excuſe is that *men are not excommunicated for trifles, but for their contempt. Anſ. p. 23.*

Anſw. Indeed according to our Saviour Chriſts rule *hee that heareth not the Church muſt bee held, as an heathen and publicane.* But it is not yet proved, that the officiall and his Regiſter make the Church, neither ſhall our brethren bee ever able to ſhew it. 2. It is true that the letters of Excommunication preſuppoſe a contumacy and contempt preceding. But he is not contumacious, which at the firſt monition appeareth not upon every cauſe pretended, as it may appeare by theſe reaſons taken out of the Canons.

Mat. 18. 18

1. Firſt no man ſhould bee excommunicate before the offence bee proved againſt him: *nemo Epiſcopus aliquem excommunicet priuſquam cauſa probetur: cauſ. 2.*

qu. 1. *c.* 11. But his contumacy is not proued, who vpon the first citation appeareth not, for he may be ignorant of it, or otherwise necessarily letted. Ergo such an one is not to bee excommunicate.

2. Such onely are to bee excommunicated, as are otherwise incorrigible: as by Christs rule he must be taken, *as an heathen and publican*, that refuseth to heare the admonition of one, of two, lastly of the Church. *Anathema non debet imponi nisi illi, qui aliter non potuerit corrigi. Anathema ought not to bee imposed, but vpon him that can not otherwise bee amended. Concil. Meldens. c.* 56. *Excommunicatio non infligenda est, nisi his, qui aliter corrigi noluerint. Excōmunication must be inflicted upon such, as cannot otherwise bee corrected. Colonienſ. par.* 13. *c.* 4. But they which once cited, appeare not, are not straight way incorrigible. Ergo. &c.

3. Excommunication should be onely inflicted for criminall offences: *Non nisi pro mortali debet imponi crimine: Meldens. ibid. Excommunicationis sententiæ ob criminales tantum causas, easq; valdè graves & lethales feruntur. Augustans. c.* 33. As the Apostle bideth *an heretike to be after once or twice admonition reiected. Tit.* 3. 10 As likwise the Law of the Land awardeth the writ *de excōmunicato capiendo* to take place onely when the Excommunication proceedeth vpon contempt of some originall matter

matter of criminall offencee, as of hereſie, refuſing to come to the Church. Incontinency, vſury, Simony, Periury, Idolatry But euery abſence vpon the firſt citation proceedeth not of any ſuch contempte. VVherfore a man ought not to bee excommunicate for the fees of the court, or ſuch like. *Pro vindicta propriæ iniuriæ, &c. To bee revenged for your owne wrong you haue giuen ſentence of Anathema*, which is againſt the Cannons: *penitus interdicimus, We forbid that for covetouſnes ſake none dare to excommunicate any.* Cauſ. 23. q. 4. 4. c. 27 Lateranenſ. ſub innocen. 3. c. 49.

4. The Canons allow that a man ſhould bee twice or thrice cited before hee bee excõmunicate: *ſecunda vel tertia admonitione interpoſita, excõmunicationis ſentetia procedat*, *Cauſ.* 24. 3. 15. Neither ſhould the firſt citation be peremptory: *diem peremptorium ad primam citationem non ſtatuendum:* eſpecially for Eccleſiaſticall matters, but upon great & urgent neceſſity. *S. Paul* alloweth a manifeſt heretick two admonitions before he be reiected. Much more where the offence is not manifeſt, a canonicall, that is thrice admonition ſhould be uſed, according to the conſtitution of *Oxford*: *nemo excommunicationem promulget, &c. No man ſhall denounce Excommunication, Where the exceſſe is not manifeſt, but Canonicall monition going before.* The manner is that the apparitor cannot perſonally cite the party to be ſummoned, hee uſeth to leaue word Lateranenſ. ſub Alexan. p. 3. c. 5.

at his house: if he come not at the day, he is forthwith as contumacious excommunicate. Heerein a double errour is committed: for if a man never appeared in the cause before the iudge, he cannot bee cited at his house, unlesse he can not be personally apprehended, and againe he that is not personally cited, is not *verè* but *interpretative contumax* in the iudgement of the sounder Canonists. VVherefore it is evident by these reasons that Excommunication goeth forth often for trifles & 12 peny matters, not for contumacy or contempt.

Lindwood de indic. c. item vers. decernimus ibid. v. personaliter.

5. If Excommunication bee sent forth onely for contempt where the originall is but a trifle, and a twelue penny matter, then what needed all those cauteles by Councels: *ne quenquam pro parvis & levibus causis, &c. that none should bee excommunicate for small or trifling matters. Aur. 5. c. 2. Vormatiens. c. 13. Avernens.* as it is cited. *caus. 11. q. 3. c. 42.* for by this evasion there shall be no trifling matters at all, but the pretence and colour of contempt shall countenance excommunication. VVherefore the request of the Petitioners is agreable to the Scriptures and Canons, that none be excommunicate for trifles.

The

The 2. Enormity against Excommunication without the consent of the Pastors.

Reasons and arguments to proue that Excommunication ought not to proceed from one alone, but by the ioynt aduise of the presbyters & Pastors.

1. EXcommunication should bee exercised by the Church that is, an assemble: math. 18. 11. *tell the Church, &c. If he will not heare the Church let him bee as an heathen and publicane.* *Origene* vpon these words saith: *tertio correptionem mandat ad Ecclesiam deferendam, &c. In the third place he will haue the correction brought to the Church In the second he will haue two or three witnesses to bee vsed.* So *Chrisostome* vnderstandeth *Episcopos & præsidentes Ecclesiæ: The Bishops or Pastors, and presidents or gouernors of the Church. in Mat.* 18. But one or two make not a Church for this were a preposterous course to proceed from one to two or three, & then to go back agayn to one. *Hierome* writeth well concerning *Iohn Patriarke of Hierusalem. An tu solus Ecclesia es & qui te offenderit a Christo excluditur*

Hieron. pammach.

tur: tibi ſoli licet Eccleſiæ iura calcare, & quicquid feceris, norma doctrinæ eſt? Are you alone the Church, that whoſoever offendeth you is excluded from Chriſt: is it lawfull onely for you to tread under foote the rights of the Church: whatſoever you do, is it a rule of doctrine? Ergo, one man not being the Church, cannot excommunicate.

2. The government of the civill and Eccleſiaſticall ſtate are unlike, &c. *But yee ſha not be ſo, Lu. 22. 25.* But they rule alone as Monarchs, *The Kings of the Gentiles reign over them. Ergo,* Biſhops or other officers of the Church ought not to governe alone, as Monarchs in the Church, and ſo not excommunicate alone. This place is urged by a learned VVriter againſt a monarchy in the viſible Church: *Quid apertius? niſi expectetis, ut locum proferamus ubi dixit apertè, vos monarchæ Eccleſiæ eſſe non debetis: What could bee ſayd more plainly, unleſſe you would haue us bring forth a place where Chriſt ſhould ſay in plaine tearmes, Yee ſhall not be Monarches of the Church.* As there ought not then to be a Monarch over the univerſall Church, ſo by the ſame reaſon neither ſhould there be any Eccleſiaſticall Monarch over a Province or Dioceſſe.

There ought to be no Monarchy in the ſpirituall regiment of the viſible Chur.

D. Sutcliffe l. 1. de opt. Reip. ſtatu. cap. 7.

Arg. 3. If S. *Paul*, who had Apoſtolicall power, would not excommunicate the inceſtuous perſon amongſt the Corinthians without the conſent of the Paſtors

ſtors, and ſpirituall gouernours: much leſſe ought any Biſhop, Archdeacon, &c. do ſo now. But the firſt is euident, that the Apoſtle ſent not onely his mandate to the Corinthians for them to execute, but that the power and right of excommunication was ioyntly with the Apoſtle in the Paſtors of Corinth, as it may appeare by theſe reaſons. *Ergo.*

S. Paul excõmunicateth together with the Paſtors of Corinth.

1. The Apoſtle rebuketh them for that they had not put him from them already before he had written to them, *verſ.* 2.

2. They which had power to reconcile had power alſo to excommunicate: For *Eiuſdem eſt ligare & ſoluere: It belongeth to the ſame to binde and to looſe:* But the Paſtors of Corinth haue power to reconcile, 2. Cor. 2. 10. *To whom you forgiue any thing, I forgiue alſo, &c.*

3. It is not like that the Church of Corinth had no power to excommunicate without the Apoſtle, for then ſhould they haue wanted a principall poynt of diſcipline, when the Apoſtle was abſent in remote places from them.

4. The words of the Apoſtle doe euidently giue unto them the iudgement of Excommunication: *Doe yee not iudge them that are within,* 1. *Cor.* 5. 12. Vpon the which words *Auguſtine* thus writeth: *Quibus verbis ſatis oſtendit, non temere aut quommodo libet, &c. By which words hee ſufficiently ſheweth, that not raſhly, or howſoeuer*

Aug. hom. 50. c. 12. *& citatur cauſ.* 2. q. 1. c. 18

ever, but by iudgement the evill are to be removed from the communion of the Church.

Arg. 4. All that haue authority to preach, haue power to binde and loose, as the Apostle saith: *Wee are the sweet savour of Christ in them that are saved, and in them that perish. 2. Cor. 2. 16.* Our Saviour giveth one generall commission to his Apostles, and all faithfull Pastors their successours: *Whosoever sinnes yee remit, they are remitted.* *Ambrose* saith, *Remittuntur peccata per Dei verbum, cujus Leuites interpres & executor est. Sinnes are remitted by the word of God, whereof the Minister is the interpreter and executor.* *Basil* saith, *Confession of sinnes must necessarily be made to them, to whom the dispensation of the mysteries of God is committed.* Our English confession saith: *Seeing one manner of word is given to all, and one onely key belongeth to all: wee say there is but one onely power of all ministers, as concerning opening and shutting.* But all pastors haue authority to preach: *Ergo*, to binde and loose, and consequently to excommunicate.

De Cain & Abel. l. 2. cap. 4.

In regal. contrationibus. q. 288.

Hom ser. 11.

It will be answered, that there are two kinds of administratiõ of the keys: a spirirituall in remitting & retayning of sins, & externall in releasing the outward censures of the Church. The first belongeth to all Pastors, and the preachers of the Church, but not the other.

Answ. 1. Our Saviour Christ comprehendeth

hendeth the whole power of the keyes under the name of *retayning and remitting sins Ioan.20.23.* Therefore he that hath right to the one, hath likewise to the other. 2. VVhere sins upon the sufficient declaration of repentance, are remitted, there the censures of the Church ought to bee released: Neither is it lawfull to hold the penitent long under the censures, whē they haue sufficiently testified their repentance, as the Apostle moveth the *Corinthians* to forgiue the incestuous person, after he had sufficiently sorrowed, hee then which hath right to the more, hath right to the lesse, according to the Law: *cui licet quod est plus, licet utique quod est minus.* If Pastors then and preachers haue power to remit sinnes in the name of Christ, much more to release the temporall censures. 2.*Cor.*2.10 Reg.iuris.53

*Arg.*5. To whom the power of order belongth, the power also of Iurisdiction appertaineth. S.*Paul* ioyneth them both together in Timothy. 1.Tim.5.19. *against an elder receeiue no accusation, &c.* there is the power of iurisdiction *vers.*22. *Lay hands suddēly on no mā*: there is the power of order, the corrupt *Extravagants* will grant this proposition: *claues de quibus agimus in collatione sacerdotalis ordinis conferuntur: the keyes whereof we entreat are conferred in the collation of Priestly order.* But Presbyters haue interest in conferring of orders

The Pastors and Presbyters right in laying on of handes. Extran Ioā. tit.4.c.5.

orders

orders. 1. *Tim.* 4. 14. *Deſpiſe not the gift that is in thee, &c. by the laying on of hands of the presbitery, or Elderſhip*: Here it is evident that the Paſtors and Presbyters layd on their hands together with the Apoſtle.

1. Expoſition. Perpetual govern. p. 78.

Some by the presbytery here underſtand the office of Elderſhip, which *Tymothy* was ordained unto: but the words will not beare this ſence: for here is mentioned the impoſition of hands πρεσβυτερίου of the *Elderſhip*. How can the office it ſelfe put on hands: the perſons then, not the office muſt of neceſſity be underſtood.

The place 1. Tim. 4. 14. of the Presbyters expounded, 2. Expoſition ibid. 249.

Some by the preſbyters vnderſtand Biſhops, but that can not bee: for as yet in the Apoſtles tyme there was no diſtinction betweene Biſhops aud preſbyters, as it may appeare by S. *Pauls* deſcription of a Biſhop. 1. Tim. 3. VVhich is common to the preſbyters. And this poynt followeth more fully to bee declared in the next argument.

Presbyters & Paſtors of old admitted to lay on hands.

3. Expoſition Ibid. p. 93.

Others ſay that the preſbyters and Paſtors might lay hands on *Timothy*, as well as *Paul:* but at another tyme and to another end. But S *Paul* ſaying in another place, *ſtirre vp the gifte of God which is in the by the putting on of hands*, evidently ſheweth that he at the ſame time put on hands with the preſbyters: for he ſpeaketh of the ſame gifte in both places which was conferred vpon him by impoſition of hands.

2. Tim. 1. 6.

hands. And further if the preſbyters ioyned with *Paul* in impoſition of hands, yet was it not of neceſſity, as though S. *Pauls* hands had not beene ſufficient without them to giue the holy ghoſt. VVee anſwer that although it bee graunted, that in reſpect of *Pauls* perſon, who was an Apoſtle, and had an extraordinary power and calling, the impoſition of hands by the preſbytery was not eſſentially neceſſary, yet in reſpect of the preſident, and perpetuall order, which was to be left to the Church of Chriſt, it was neceſſary: for it is not like that ſo wiſe an Apoſtle would els haue buſied himſelfe with ſo vnneceſſary and ſuperfluous a work, in aſſociating the Elders where he needed not. But notwithſtanding all theſe naked ſhiftes and deceitfull gloſſes, this place of S. *Paul* is pregnant to proue the copartnerſhip of preſbyters in giuing of orders: and thus was it practiſed by the Church afterward: Carth. 4. c. 3. *Omnes preſbyteri, qui præſentes ſunt, &c. Let all the preſbyters preſent lay their hands by the hand of the Biſhop vpon his head, that is to bee ordayned.* And can. 24. *Epiſcopus ſine concilio Clericorum, &c. The Biſhop muſt not ordayne Clarkes without a councell of his Clergie.* 4. Expoſition. Ibid. p. 94.

Object. *This Impoſition of hands by the preſbyters was a conſent rather, then a conſecration.* Perpet. gouern. p. 251.

Anſw. That appeareth to be otherwiſe by

by that conſtitution of *Vrban: ordinationes*
Cauſ. 12. q. 2. cap. 37. *factæ ſine communi ſenſu Clericorum irritæ. Ordinations made without the common conſent of the Clergie are voyd.* If the presbyters had not power and right of ordination, there was no reaſon to make it voyd without them. *Ergo* ſeeing preſbyters haue a ioynt power in ordination. iuriſdiction is not to bee denyed vnto them.

Arg. 6. If both the name and office of a Biſhop and presbyter by the word of God are all one, then by the word of God the ſpirituall iuriſdiction belongeth to them both, But the firſt is true: as *Hierome* proveth out of *S. Paul, Apoſtolus perſpicuè docet eoſdem eſſe preſbyteros, quos Epiſcopos, &c. The Apoſtle plainly teacheth, that Preſbyters are the ſame with Biſhops,* as Tit. 1. 5. *he calleth them preſbyters, which* verſ. 7. *are named to bee biſhops,* ad Evag.

Biſhop Iewell proveth by the Word that a Biſhop and Presbyter are all one: def. apol. p. 284.

Reverend Biſhop *Iewel* ſheweth the ſame by the teſtimony of *Hierom, Chryſoſtome, Ambroſe, Auguſtine, that a Biſhop and a Prieſt are all one. Chryſoſtome* ſaith, *Inter Epiſcopum & Preſbyterum intereſt ferè nihil: There is almoſt no difference between a biſhop and a Prieſt.* And then hee inferreth thus, *All theſe and more holy Fathers, with* S. Paul *the Apoſtle, for thus ſaying (that a biſhop and a prieſt are all one) by* M. Hardings *advice muſt be holden for Heretickes.*

In 1. Tim. Hom. 11. 3.

If it be anſwered, that the names were confounded in the Apoſtles, but the office

and

and functions were divers, *Bellar. lib. 1. de Cleric. c. 25.* This answer may bee easily removed: for as a reverend writer telleth us: *The same charge and the same grace concludeth the same function.* But S. *Paul* requireth the same graces in a Bishop and Presbyter, 1. *Tim.* 3. *Hierome* sayth: *De Presbytero reticetur, quia & in Episcopo Presbyter reticetur, &c. There is no mention made of a Presbyter, because he is contained in the name of a Bishop. Ambrose* saith, *Episcopi & Presbyteri una ordinatio est, &c. There is one ordination of a Bishop and Presbyter, but the Bishop is the first.* If they haue one ordination, then they haue both one function by the word of God: howsoever afterward the Church in pollicie hath distinguished them: which was done as *Hierome* saith: *In schismatis remedium, To avoyd schismes. Ergo*, seeing a Bishop and Presbyter are the same by the word of God, iurisdiction doth of right belong to both.

Perpetuall gou. ver. p. 203.

Hier. Euag.

Arg. 7. All pastorall duties doe equally belong unto the Pastors: but to seperate the pretious from the vile, is a Pastorall duty, *Ier.* 15. 19. as it belongeth to the shepheard to seeke that which is lost, *Ezek* 34. 4. that is, to reconcile the penitent; so also to separate the uncleane, to correct the obstinate. *Augustine* saith, *Pastoralis necessitas habet, &c. The Pastoral necessity requireth, lest the contagion should spread*

De corrept. & grat. cap. 15.

spread further, to separate the diſeaſed ſheepe from the ſound. Ergo, it belongeth to Presbyters which are Paſtors, and haue their flockes, *Act.* 20. 17. 28. to ſeparate and excommunicate the vile and uncleane.

Arg. 8. VVhatſoever belongeth to the gathering together of the Saints, the worke of the Miniſtery, the edifying of the body of Chriſt is to be performed by the Paſtors and Doctors, with other Miniſters of the Church: for to this end hath Chriſt ordained theſe offices, *Ephes.* 4. 11. But to ſeparate or excommunicate, and reconcile, are profitable to the ſaid purpoſes: *This authority is given for edification,* 2. *Cor.* 10. 8. *Ergo,* it belongeth to the Paſtors and Teachers of the Church.

Arg. 9. The diſcipline ſhould bee adminiſtred by ſuch as are more likely to haue the ſpirit of direction, and to whom with the leaſt perill of the Church the cenſures might be exerciſed. But an aſſembly of Presbyters are more like to haue the ſpirit of Direction, as the Apoſtles and Presbyters aſſembled in councell, ſaying, *It ſeemed good to the holy Ghoſt and to us,* Act. 15. 28. Thus ſaith the Councell of *Affrican: Vnleſſe there be any that thinke God inſpireth one particular perſon with righteouſneſſe, and forſaketh a number of Prieſts aſſembled in Synod.*

Concil. Affrican. can. 138. epiſt. ad Coeleſtinum.

Again there would ariſe leſſe danger

to

to the Church by this means for there is a rule in the Law: *Excommunicatus non potest excommunicare: he that is excommunicate himselfe cannot excommunicate another. cauſ.* 24. *q.* 1. *c.* 4. But a Biſhop or any one Eccleſiaſticall perſon may by many occaſions ſtand under the cenſure of excommunication: as if he haue two wiues; *cauſ.* 24. *q.* 3. *c.* 19. or if he bee a teacher of errour hee muſt *bee delivered to Satan. cauſ.* 24. *q.* 3. *c.* 13. *Pelagius* or if he be an uſurer *cauſ.* 14. *q.* 4. *c.* 4. or a blaſphemer or ſwearer. *Carth.* 4. *cap.* 61. or a player at dice. *Trullan. c.* 50. or be negligent in preaching and ſo continue, *can. Apoſt.* 57. or giue orders for money. *Chalced. c.* 2. Or be promoted for money: *Conſtant. Conc.* 6. *gener. c.* 22. or make a lay man his vicar generall, *Hiſpatienſ.* 2. *c.* 9. Or take upon him any civill office, as vice-preſidentſhip, Iuſticiariſhip, *Decr. Greg.* 3. 53. 4. or ſit in cauſes of bloud, or giue ſentence for the cutting off of any meber, as of ears, hands, &c. *ibid. c.* 5. So writeth *Alexander* 3. in his reſcript to the Biſhop of *Canterbury*. But a Biſhop or any one man may ſtand excommunicate where an aſſembly or company cannot, in this caſe by whom ſhould the diſcipline be adminiſtred. Ergo it is ſafer that the cenſures of the Church ſhould bee diſpoſed by many, then by one.

In what caſes Biſhops are liable to the cenſures of the church

Arg. 10. Presbyters by the word of God, and practiſe of the Church are

interessed in the spirituall rule and government of the Church: but the Excommunication belongeth to the spirituall regiment: Ergo, For the proofe of the proposition: first in the Scriptures wee find that the Apostles called together the *Presbyters* for the deciding of doubtfull questions: and by the Apostle the *Elders that labour in the Word* are made rulers: *the Elders that rule Well, especially they that labour in the Word. 1. Tim. 5. 17.* they then that laboured in the word, were also ruling Elders: for how else should they haue a double honour, being excluded from government which is counted one of the greatest honours of the Church. Now the practise of the Church is most evident: *Hier.* saith: *communi presbyterorum concilio Ecclesiæ regebantur; In the beginning Churches were governed by the common advise of presbyters.* rom. in .1.

caus. 11. q. 3, c. 106. debent 12. sacerdotes Episcopum circumstare, &c. twelue Priests must stand by the Bishop, when he denounceth excommunication: can. 108. When the penitent party was to bee reconciled the Bishop must bee assisted with as many: *caus. 12. q. 2. c. 5.* The Bishop could not dispose of the temporall things of the Church, much lesse of spirituall, *inconsulto presbyterio, not hauing before consulted with his presbitery*: neither was the assistance of the presbytery for decency and order onely. but of necessity; *Episcopus nullius*

nullius causam audiat absq; præsentia clericorum, aliter erit sententia irrita; The Bishop shall heare no mans cause without the presence of his Clarks: otherwise let the sentence bee voyd, Carth. 4. c. 23.

Thus it is evident that at the beginning the presbyters did assist the Bishops in the regiment and gouernment of the Church, as is confessed also by our learned writers the government of the Church at the first was so apportioned: *that neither the presbyters should doe any thing without the Bishop, nor the Bishop dispose matters of importance without his presbytery.* *D. Fulke* thus testifieth: *it is manifest that the authority of binding and loosing committing and retaining pertaineth generally to all the Apostles alike, and to every pastor in his cure.*

Perpetual gouer. p. 307.

Ans. to Rhem in 2 Cor. 2. sect. 4.

Thus was it in the beginning: but by little and little in processe of time Bishops began to encroach upon presbyters and their office.

1. Bishops had at the first but a priority before their presbyters, they were not to suffer a presbyter to stand before them *Carth. 4. 34.* and within doores *Collegam se presbyterorum esse cognoscat: let the Bishop take himselfe to be the presbyters collegue and fellow*: but now Bishops are called *Prelats*, Ministers *subditi*, their subiects.

How Bishops by little and litile encroached upon Presbyters.

2. As yet the Bishops had no speciall kind of ordayning, as differing in order from presbyters, as *Ambrose* saith: *Episcopi*

scopi & presbyteri una ordinatio: there is but one ordination of a presbyter and a Bishop: uterq; enim sacerdos; for they are both but Priests or Ministers, in 1. *Tim.* 3. afterward the Bishops brought in a speciall kind of consecration for themselues.

3. Then they went further that whereas in giuing of Orders, presbyters were ioyned with Bishops: *Carth.* 4. *c.* 3. (cited before) they did assume that office to themselues, *quid facit excepta ordinatione Episcopus. &c. What doth a Bishop, that a Priest cannot doe, ordination onely excepted.*

Hier. Evag. 10.

4. But not contented to stay here: they forbid a presbyter, *Benedictionem super plebem in Ecclesia fundere: To pronounce benediction or blessing over the people in the Church Agathens. can.* 30.

5. Nay it was not lawfull for the presbyter, the Bishop being present either to pray, or doe any sacred action, vnlesse he were bid. Gelas. decr. 8.

6. But it was too painful for the bishop to take vpon him these ministeriall functions of praying, preaching, celebrating the Sacraments, and therfore they were content to remit these duties to the Presbyters. But confirmation was appropriated vnto Bishops: *Disce hanc observationem ad honorem esse potius sacerdotij, quam legis necessitatem. This observation is rather for the honour of the Preisthood, then by necessity of any Law.*

Hier. adverf. Lucifer.

7. But

7. But yet in *Hieroms* time, though presbyters were excluded from ordination and cõfirmation, they enterposed themselues in the iurisdiction of the Church: *Nos habemus senatum nostrum, &c. As the Romanes had their Senate, so the Church had a presbitery by whose counsell all things were done.* Thus by litile and litle haue Bishops nibled vpon the presbyters, leaving them the laborious works: and taking the honors to themselues. VVe desire that things onely may returne to their first institution.

dicens. 6. 17.

Hier. in Esa. 3.

Obiections answered.

1. Obj. SAint *Paul himselfe alone did deliuer Alexander and Hymeneus to Satan, that is excommunicate them* 1. *Tim.* 2. 20. *Therfore excommunication may be decreed by one.*

Two kinds of delivering vp to Satan.

Answ. 1. VVee may here vnderstand a double kind of *deliuering vp to Satan. Extraordinarie*, when as satan did torment the bodies of such, as were delivered vp, as Satan tried *Iob*, thus thinketh *Chrisost.* vpon this place: for like as the Apostles had then the gift of healing to lose faithful men frõ the bonds of satan, so had they power to giue over the obstinat to satan. This power *extraordinary* might beexecuted by the Apostles alone, as *Peter* did upon *Ananias* & *Saphira*, and *Paul* vpon these two blas-

How S. Paul delivered vp to Satan.

Act. 5. *Act.* 13.

phemous persons. There was an *odinary* delivring vp to Satan by Excommunication; *quia diabolo traditur qui ab Ecclesiastica communione removetur*: Because he is deliuered to the deuill, that is, remoued from the fellowship of the Church, for without the Church is the diuell *August*. This kind of delivering to Satan *Paul* excercised together with the Church. 1. Cor. 5. 5. 2. Or rather taking this for the same kind of delivering to Satan there mentioned: The Apostle is named here not as the sole but principall agent: as in another place hee maketh mention, only of the *imposition of his hands*: 2. *Tim*: 1. 6. yet the presbytery imposed hands with him, 1. *Tim*. 4. 14. So then here the Apostle onely expresseth the act done, that they were delyuered, as for the maner how it was done, we must haue recourse to the Apostles practise before in the Church of *Corinth*: as *Chrisostom* well noteth on this place: *quommodo illum tradiderit audi, congregatis vobis & spiritu meo. &c. But how the Apostle delivered him, heare, when you are gathered together, and my spirit: and so he referreth* vs to that place. 1. Cor. 5.

Verbis Apost. ser. 98.

Hom. 5. in 2 Tim. c. 1.

2. Object. *There the Apostle did send his mandate, and the rest did but execute it. Paul asked not theyr consent, but tried theyr obedience: [For this cause did I write, that I might see the proofe of you, whether yee would bee obedient in all things.]* 2. *Cor*. 2.

Perpet. gov. p. 125.

Answ. 1. If followeth not, because the Apostle

Apoſtle tried their obedience, therefore they had no power to excommunicate for they were to bee directed by the Apoſtle in their adminiſtring and executing of that power. 2. So as they in their ſpirituall obedience, were to forgiue where the Apoſtle would haue them to forgiue: ſo there was in the Apoſtle a mutuall correſpondence to forgiue where they did forgiue. 2. Cor. 2. 10. There was then a concurrance of theyr powers in this action. 3. That the Church of *Corinth* did concur as principall agents, not as Miniſters onely with the Apoſtle in this act of Excommunication is ſhewed bfore arg. 3

dicenſ. 16. 17.

Obj. 3. *We will allow every Paſtor and preacher the key of knowledge to diſcerne, but not the key of power to excomunicate and abſolue.*

Anſw. 1. Theſe 2 *keyes* of *knowledge* and *power* though in ſome reſpect they differ yet in vſe they ought alway bee ioyned together, and in effect are the ſame: for the key of power is the key of the kingdome of heauen, giuen to *Peter* and the reſt of the Apoſtles: math. 16. 19. *I will giue thee the keyes of the kingdom of heauen* ſoe the keye of knowledge is that wherby heauen is opened: as our Saviour ſayth: Luc. 11. 92. *Wo vnto you interpreters of the Law, for you haue taken away the key of knowledge*, as *Ambroſe* ſheweth; *clauem Petri fidem eſſe dixerim petri, per quam cælos aperuit*: the key of Peter I call the faith

Of the key of knowledge and the key of power.

Ambr. ſer. 38.

faith of Peter, by the which he opened the heavens. 3. As then the Priest in the law did not onely discerne betweene leper and leper, but did giue sentence of separation: so the Pastors which haue the keyes of discerning, should haue the key of excluding or receiuing: who is able better to iudge, then he that can discerne. 4. The corrupt *extravagant*, that brought in the disioyned vse of the keyes confesseth *ad aliquid conuenienter definiendum vtraque clauis cognoscendi & definiendi necessaria requiritur: to define any thing well both the keyes of determining and discerning are necessary.*

Extrau. Ioan 22. t. 14. c. 5.

Object. 4, *The priuate vse of the keyes in appointing offenders to forbeare for a tyme the Lords table wee deny not to presbyters, but not the publicke vse to exclude an impenitent person from all fellowship of the faithfull.*

Perpet. gou. p. 316.

Answ. 1. This distinction of the priuate and publike vse of the keyes is but an humane invention: the Scripture knoweth no such difference: he that hath right to the one, hath interest in the other: the generall commission giuen to all pastors is: *Whose sins yee remit are remitted*, Here is no limitation of remitting publikly or privatly. 2. it is more to separate from the sacramets, then from the prayers only of the Church. He then that can doe the more, is inabled to doe the lesse. 3. The Canons

Ioh. 20. 23.

doe

doe take those for all one, *Communione privare, & abijcere: To depriue of the communion, and cast out; Exterminare de Ecclesia, & separare a communione: To thrust out of the Church, and put from the Communion.* Sardicens. can. 16. 17.

5. Obiect. *If Bishops haue any further authoritie, then standeth with good reason, and the manifest examples of the primitiue Church, wee striue not for it.* Perpet. gouu. p. 406.

Answ. 1. But why (we pray you) do you make mention of the Canons of the Church onely, and not of the word of God: will you haue bishops to haue more authority, and Pastors lesse, then the word of God alloweth them? 2. But we refuse not to debate this matter by the Canons, and practise of the Church, which notwithstanding hath been in part shewed before: *argum.* 10. and shall bee declared further in the answer to the 11. Obiection. *Hierom* thus writeth: *quomodo ibi leprosum sacerdos mundum vel immundu facit, sic & hic alligat, vel solvit Episcopus & presbyter. As there* (under the Law) *the Priest made the leprous person cleane or uncleane, so here the presbyter bindeth or looseth.* So then as the iudgement and censuring of the leprosie belonged not onely to the chiefe Priests, but indifferently to them all: *He shall be brought to Aaron the Priest, or one of his sonnes the Priests. Lev.* 13. 2. So now the censuring of spirituall leprosie should indifferently belong to all spi- In Mat. 8. 16.

rituall

rituall Pastors.

Further wee find that presbyters sate togeather with Bishops, and gaue voyces, and made decrees, not onely in matters, which concerne the word and doctrine (as we are borne in hand) but such as belonged to discipline and excommunication, and anathematizing as is evident. *Concil. Eliberrm.* to the which subscribed 36. presbyters *can.* 52. 62. 67. And in *Arelatens. 2. can.* 25. 28. and can. 30. they decree concerning the suspension of Bishops: to this Synod subscribed 12. presbyters, from hence it is cleare that presbyters assembled in a synod haue power to excommunicate. The imperiall Law saith: *We charge all Bishops and Priests that they separate no man from the sacred communion, before they shew the cause: &c. And he that presumeth to excommunicate, let him bee put from the communion.* Thus it was indifferent for Bishops or presbyters to excommunicate.

Perpet. gov. pag. 291.

Novil. constitut. 125. c. 11.

Obj. 6. *Not in very Church, but in every citty there were presbyters assisting and ayding the Bishop, and these were Clergy men, to helpe him in all sacred actions, and advise him in all iudiciall and Ecclesiasticall proceedings.*

Perpet. gov. p. 183.

p. 184.

Answ. 1. Neither do we urge to haue a presbyterie of Clergy men in everie parish Church, but that in every division the presbyters and Pastors should assemble togeather for the execution of Discipline.

2. It

2. It being confessed that presbyters in cities haue assisted the Bishop in Ecclesiacall proceedings, why then may not the presbyters of country Churches be admitted, who are so much the more fit, because they are acquainted with the particular diseases in their seuerall cures. 3. The Presbyteries were not onely in great and populous cities, neither had the bishops then such large circuits, but that one presbytery might suffice for the Cittie and confines thereof: for then the bishop had his proper parish, *Episcopus propriam parochiam non derelinquat. Can. Apost.* 13. his proper Church. The bishop *qui non acquierit ire ad Ecclesiam sibi cõmissam, Which did not resolue to goe to the Church committed to his charge, should be put from the communion.* Antioch. concil. c. 17. hee had his peculiar flock. *Episcopus gregẽ sibi commissum, &c. The bishop must instruct the flocke committed unto him, with the preaching of the word.* Turonens. sub Carol. Then bishops lived not onely in famous great Cities, but in base and obsure townes. *Episcopus de loco ignobili ad nobilem per ambitionẽ non transeat: A bishop ambitiously must not go from a base and ignoble towne to a noble,* Carth. 4. can. 15. Then bishops had not such a large Diocesse. In *Augustines* time there were in one province under *Carthage* of the *Catholicke* & *Donatist aboue Bishops* 9000. Of the *Catholicks* part there

The Bishop had his proper flock.

there were preſent 286. and abſent 120. by reaſon of ſickneſſe and old age. Epiſcopall Churches voyd 60. in all 466. Of the *Donatiſts* there were preſent 279. abſent 120. Churches voyd 60. in all 459. Theſe ſo many biſhops in one province cannot be thought to haue had Dioceſſes much larger then ſome pariſhes. And few biſhoprickes haue ſo many pariſh Churches under them: and none in *England* (unleſſe it be *Norwich*) is found to haue more. It is no marvell then if one presbyterie with the biſhop ſufficed for ſuch Dioceſſes.

Pappen. pag. 317.

Object. 7. *Preſbyters ſate with the biſhops at the firſt as aſſeſſors and conſenters, before Synods undertooke ſuch cauſes.*

Anſ. 1. The frequenting of Synods was no let to the authority of the presbytery. 1. It was a Synod that decreed, that *Sententia Epiſcopi, &c. The ſentence of the Biſhop ſhould be voyd, if it were not confirmed by the ſentence of the Clergie*, Carth. 4. c. 23. 2. From the *Nicene Councell* to the time of this Synod, were aſſembled in the ſpace of an hundred years and ſomewhat more, twenty provinciall Synods as the *Elibertine. Arelatenſ.* 1. and 2. *Gangrenſ. Agrippin. Antioch. Sardic.* with others. 3. And before this it was decreed, that there ſhould be a Synod of biſhops twice every yeare, *Antio. c.* 20. *Conſtantin.* 1. *c.* 2. But after the time of this Synod of *Carthage*, when the authority of the presbytery began to bee impaired

impaired; it was decreed that bishops should assemble but once in the yeare, *Toletan* 3. *c.* 18. So that, even when Synods were most frequent, the presbytery was in greatest authority, & it began to fail when Synods were not so often celebrated.

Obj. 8. *For our parts though we take the keyes to be common to all that haue pastorall charge of soules in their degree: yet to avoyd the infinite showers of excommunication, &c. if every presbyter at his pleasure might excommunicate, we praise the Wisedome of Gods Church in suffering no inferiour to excommunicate without the Bishops consent, &c.* Perpet. gov. p. 320.

Answ. 1. If by the institution of Christ, the administration of the keyes be common to all pastors: what presumption is this for men to take upon thē to be wiser then God, & to change his institution: The prophet saith: *Who hath instructed the spirit of God, or taught him:* 2. It is not the wisdom of the Church, but the ambition of Bishops, that hath excluded the pastors, as *Diotrephes, that loued to haue preeminence, would not receiue the brethren.* 3. Neither are excōmunications the fewer, because one by the Bishops authoritie excommunicateth, but the more: for there is like to be more grace and discretion in a companie of reverent and learned pastors, then in one vnlearned Chancellor or Officiall: and the Courts now intend their own gain, & therefore multiplie excommunications, whereas Esay. 40. 13. Ioh. epist. 3.

wheras then the profite of mens ſoules ſhould be expected. As though there hath not been long ſince complaint made of the multiplicite of excommunications: *tot hodie fiunt & officiales, quod vix eſt aliquis &c.* *There are ſo many excommunications now a dayes by officials, that ſcarce any man, that feareth God can liue in the world with a ſafe conſcience.* VVhervpon it was directed, *vt caveant ab earū multiplicatione, &c.* *That they ſhould beware of multiplying excōmunications, leſt they be brought to contempt.* Theſe are the ſhowers of Chancelors and officials excommunications, that flee faſter then lightening in tempeſt.

Object. 9. *In our vnderſtanding the Miniſter of the pariſh doth giue his conſent.* to the petition. p. 23.

Anſ. VVhat conſent call yee this, when the Chancellor, or Officiall ſendeth his mandate, and the Miniſter muſt denounce the ſentence of excommunication, or be ſuſpended himſelfe: doe yee count this conſent ſufficient: what is the paſtor here els, but the officials ſlaue to denounce his cenſures; VVhat is this els, but againſt the Apoſtle to be the *ſeruantes of men*: But as *Hierome* ſaith: *non in dominatione vt ſeruos habeas, ſed in miniſterio liberos*: preachers ſhould not be vſed, as ſervants with indignitie but as free men in their miniſtrie.

1 Cor. 7. 22
De 7. ordin. Eccleſ.

Object. 10. *They intend the inabling of everie particular paſtor alone to excommunicate.*

Anſw.

Anſw. to the petition ibid.

Anſ. Neither is it our deſire, that every particular Paſtor ſhould be inabled to excomunicat himſelf alone againſt the Apoſt. rule: *not as Lords ouer Gods heritage*, As the the other is ſlaviſh, ſo this were popelike as *Hierome* will ſaith: *contenti ſint honore ſuo, ſciant ſe patres eſſe, non dominos, Let them be content with theyr owne honor, and know they are fathers and not Lords.*

untruth. We giue no ſuch power to particular paſtors.

Obiect. 11. *If the paſtor ought to be ioyned in commiſſion, there would followe a world of troubles*: Anſw. ibid.

Anſ. Neither were it fitt, that everie paſtor, ſhould be ioyned in commiſſion with the Chauncelor, and attend vpon his courts, for that were infinite, and tedious for the paſtors, to withdrawe them from their flocks, *Cyprian* will ſaith: *Neque in altari meretur nominari in ſacerdotum prece, qui ab altari ſacerdotes avocare volunt. Hee deſerues not to be mentioned in the Miniſters praiers that would draw him from executing his Miniſtery.* But it ſhall euen now appeare what our deſire is.

1. Pet. 5. 3. Lib. 1. ep. 9.

Our deſire is, that diſcipline, may be adminiſtred according to the rules of Gods word: or, as things now ſtand, ſeeing there are three perſons in this buſines to bee reſpected the Biſhop in his dioceſe: the officers and Miniſters of the Biſhop: and the ſeverall paſtors; VVee would haue euery mans right reſerved, that all matters

ters of instance and ciuill pleas should be still referred to the Civill Iudges: but matters of office as they are called excommunication, and spirituall misdemeanors, to be censured by the companie of presbyters in euerie Deanrie and division (assisted if it please the kings Maiestie with some graue persons of the Lay sort) to be assembled monethly together, or otherwise: as there shall bee cause, and from them if there bee any iust agrevance, appeale to be made to the bishop with his synod of presbyters. For this course to appeale, and referre doubtfull matters to synods, is both agreable to scriptuers, and practise of the ancient Church: As in Antioch, when the Church was troubled about circumcision they sent to the Apostles and Elders about that question, Act. 15. 2. Thus was it decreed in the great *Nicene synode*, that in euery prouince bishops should assemble twice in the yeare, to heare the complaints of such as were excommunicate. can 5. The same decree is revived: Antioch. c. 20. Neither had they onely provinciall synods, but the bishop for the same cause, had his assembly of pastors. *Cyprian* writing to the presbyters, and deacons of *Carthage* saith; *A primordio Episcopatus mei statui nihil sine consilio vestro mea privatim sententia gerere, &c. Since my first entrance into my Episcopall charge, I determined*

Synods of the Bishops and Presbyters necessary.

Cypr. lib. 3. epist. 10.

dermined to doe nothing priuately of my ſelf without your counſell: Gregorie ſaith: *leſt there be any diſſention among brethren &c.* Lib. 7. epiſt. 110. *In unum convnire ſacerdotis eſt: &c, It is neceſſarie for the Prieſts to meet together: quem negligentia reiicit, cum omnium preſbyterorum conſilio refutetur: whom his owne negligence maketh vnworthy, let him be diſplaced, by the councell of the preſbyters*; Turenenſ. 2. c. 7. For this cauſe it was not long ſince decreed by a provinciall ſynod: *ſingulis annis ſaltem ſynodus dioceſane a ſingulis Epiſcopis celebrant: Euery yeare at the leaſt let everie Biſhop celebrate a ſynod in his dioceſe.* Reformat Ratiſp. art. 35.

Thus if this courſe were taken Chriſts inſtitution for the cenſure of excommunication ſhall be kept, the Paſtors ſhall bee reverenced, the preaching of the word furthered, people with long iournies not wearied, manners ſhall bee duely corrected. And thus much is inſinuated by *Cyprian: AEquum eſt & iuſtum, ut uniuſcujuſq; cauſa illic audiatur, ubi eſt crimen admiſſum, & ſingulis paſtoribus ſit portio gregis aſcripta, quam regat unuſquiſq; & gubernet, rationem ſui actus Domino redditurus. It is right and iuſt, that every mans cauſe bee heard, where the fault is made, and to every paſtor a part of the flock ſhould be committed to bee governed.* Epiſt. 3. ad Cornel.

VVherefore (moſt noble King) I ſeeing ex- The concluſion.

excommunication ſhould bee decreed by an aſſembly according to Chriſts rule. *Matth.* 18. 18. 2. Neither ſhould there be any monark or ſole commander in the ſpirituall regiment of the Church. 3. If S. *Paul* did not excommunicate without the Paſtors. 4. If all that haue authoritie to preach haue right to the keyes. 5. If they which haue a ioynt power of ordination, haue alſo of iuriſdiction. 6. If by the word of God a Biſhop, and a Prieſt are all one. 7. If all paſtorall duties equally belong to all Paſtors. 8. If whatſoeuer appertaineth to the edifying of the Church is appendant to the paſtors office. 9 If it be ſafer that many excómunicate by conſent, then one. 10. If it hath been the practiſe of the Church to ioyne presbyters with Biſhops in the ſpirituall regiment of the Church. 11. If all Prieſts indifferently under the Law did ſeparate and reſtore lepers, whereunto anſwereth excommunication, and reconciliation now. 12. If presbyters ſate in councels, and gaue voyces, and are allowed, by the Law imperiall to excommunicate.

And further ſeing nothing can bee obiected of any moment: 1. Neither S. *Pauls* delivering to Sathan of *Alexander* and *Hymeneus* 2. Neither of the Inceſtuous yong man at *Corinth*. 3. ſeeing the key of knowledge, which paſtors haue, is not to be ſevered from the keye of power 4. and

as well may the publick uſe of the keyes, be committed to Paſtors, as the private. 5. And ſeeing presbyters in cities haue dealt with the cenſures, the Paſtors of the country ſhould not be excluded. 6. Neither is the frequenting of Synods any hinderance to the Eccleſiaſticall presbytery. 7.8.9. Nor any other inconvenience need to be feared: VVe truſt your Maieſty will follow, the example of *David*, *to diſtribute the offices indifferently among the ſonnes of Aaron*, 1. *Chronicl.* 24. 4. that a few onely haue not the preeminence, and the reſt bee deſpiſed. *Theodoſius* the Emperour, when hee was excommunicate *levi homuncione*, of a light cockbrain fellow, becauſe hee granted not the thing which he requeſted, would not enter into the Church, before hee had been of the ſame party abſolued. As we condemne the malepartneſſe of the Prieſt (no ſuch authority beeing giuen to any one in the world to cenſure Kings) ſo thus far wee wiſh that good Emperour to be followed that the cenſures of the church may be reverēced, being firſt reſtored to the originall inſtitution: We aske nothing, but what your Maieſty hath given hope of, that *diſcipline be preſerued in puritie according to the Word*: and which ſome of the greateſt oppoſites to this cauſe haue granted: *We take the power of the keys to be common to al that haue paſtorall charge of ſoules*, in their

Theodoret. lib. 5. c. 37.

Cartw. p. 43. B. Bilſon p. 320. Perpet. gou.

degree. And so wee conclude this matter with that sentence of *Hierom*: which wee desire our reverend Bishops to think upon, *sicut presbyteri &c. as presbyters know, that by the custome of the Church they are made subiect to him that is set over them: ita Episcopi se noverint magis consuetudine, quam dispensationis dominicæ veritate presbyteris esse maiores, & in commune debere Ecclesiam regere? So let Bishops know, that rather by custome then any divine dispensation, they are greater then presbyters, and ought to governe the Church in common, in* 1.c. *ad Titum. & citatur, distinct.* 95. c.5 And *Hierome* againe saith: *Episcopi sacerdotes se esse noverint, non dominos, honorent Clericos, quasi Clericos, ut & ipsis a clericis, quasi Episcopis honos deferatur: scitum est illud oratoris Bomitij: cur ego te habeam ut principem, cum me non habeas ut senatorem. If Bishops will be counted as chiefe and principall they must admit their Pastors to bee as Senators, and of their Conncell.* Hierom. ad Nepotian.

4. *Against extorting of unreasonable fees.*

Obj. 1. *There are severe lawes made already in that behalfe.* p. 24.

Answ. Notwithstanding the severe canons provided against the extorting of unreasonable

reasonable fees: who knoweth not, what intollerable exactions are used in Ecclesiasticall Courts. The time was, when the Iudge ought to take nothing for his sentence: when nothing was to be exacted of the innocent party: *Colon. p. 13. c. 7. speciem æquitatis non habet, quod ab Innocentibus absolutis quippiam expensarum nomine exegatur: When nothing was to bee taken of the poorer sort, a pauperibus non valentibus solvere nihil recipiatur, append. Basil. c. 10.* It is not aboue 250. yeares since, when this order was taken by *Iohn Stratford of Canterbury*, that ministers should pay for their letters of orders, but 6 pence for their letters of institution but 12 pence. It hath bin decreed, that none should exact *ultra statuta patrum* beyond the rates appointed, and should take lesse then the custome, not more: But how the world is changed, who can be ignorant what large fees are payed for sentence, innocents not spared the pore not pittied: for probates of testaments double required to that which the statute aloweth: for acquittances. Executors, some ten, some twenty yeares after are forced to pay some forty, some fifty Shillings, some more. Letters of institution are growen from twenty Shillings in the begining of Queen *Elizabeths* reigne to foure or fiue pound. Letters of orders taxed in many places after the same rate[s]. Archdeacons in their visitation

Cod. lib. 9. tit. 27. Leg. 3. Gratian.

Linwood. de. censen. c. Sæva.

Caus. 16. q. 1. c. 62. leo. Extr. com. l. 3. tit. 10. c. 1.

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Linwood. de. cenſen. c. Sæva.

Canſ. 16. q. 1. c. 62. leo. Extr. com. l. 3. tit. 10. c. 1.

haue exacted twelue pence, ſixteen pence yea two Shillings for the article books, not much more aboue three pence. And not long ſince, when the fifth of *Auguſt* was commanded to be ſolemniſed for the Kings deliverance, in ſome dioceſes the Church-wardens were urged to pay twenty pence for copies of the letters. It were too long to reckon up al the exorbitant courſes of theſe Eccleſiaſticall courts and officers, which ſince the canon made in the convocation. *anno* 1597. haue been more intollerable, then before; and ſeing convocation canons are no more regarded, wee deſire that their exactions may be reſtrayned by parliament ſtatutes, that ſome of the ancient lawes may bee revived againſt ſuch: as either the law of *Theodoſius* to be puniſhed fourefould: or the decree of *Innocent.* the 3. *Extorta reſtituit, & tantundem pauperibus eroget, to reſtore what is exacted, and to giue ſo much to the poore: or of* Benedict. the 12. *that they pay twice ſo much Within two moneths, or els be ſuſpended from their office*: or the decree of the 8. generall Councell, concerning ſuch enormities *aut corrigatur, aut deponatur: that if they bee not amended, they ſhould be depoſed.*

Cod. lib. 9. tit. 27. l. 6.

Decr. Greg. lib. 3. t. 49. c. 8.

Extrav. com lib. 3. tit. 10 c. 1, can. 24.

§. Of

5. *Of farming of iuriſdiction.*

Cenſure: *IT is of it ſelfe a matter indifferent, neither good nor evill, but as it is uſed. p. 24.*

Anſw. And doe our brethren hold the farming of Eccleſiaſticall Iuriſdiction to be ſo indifferent a thing? How is it poſſible, when ſome Chancellours and officials pay 20. ſome 30. ſome 50 poũd, yearly for their place: regiſters, ſome an hundred, ſome 200 pound, ſome more, but that they ſhould extort in their office, and by unreaſonable and intollerable exactions make up their hard rents? Is this thing, neither good, nor evill? VVe wonder, that men profeſſing the Goſpell ſhould bee thus beſotted and blinded; ſeeing the papall Hierarchie hath deteſted ſuch corruptions. *Lateranenſ. par. 1. c. 15. quidam pro certæ pecuniæ quantitate juriſdictionem Epiſcopalem exercent, qui de cætero præſumpſerit ſic facere, officio ſuo privetur, & Epiſcopus conferendi hoc officiũ poteſtatẽ amitttat: both the officer that farmeth his office ſhall bee deprived, and the Biſhop looſe the gift.* So was it alſo decreed. *Colonienſ. ſub Adulph. med. 3. c. 3. Non licet prælatis officia ſua pro pecunia alicui committere: that no prelates ſhould let out their offices for mony.*

6. Of the restraint of marriage at certaine times.

Obiect. *IT is falsely called a popish canon, it was anciently used in the Church.* Laodicen. *c.* 52. *and being rightly used is commendable &c. Ans. to Petit. p.* 24.

Answ. 1. The 52. canon of the *Laodicene Councell*, which decreeth, *that marriage should not bee solemnized in Lent*, doth no more shew, that the restraint of marriage is not superstitious, then because, can. 24. mention is made of 7. Ecclesiasticall orders, and can. 48. of chrisme to bee used after baptisme, it might be inferred, that neither are these observations popish; VVe count not onely those corruptions popish which the pope in his ruffe invented, but those of Elder time, which hee hath retayned: and seing the mysterie of iniquitie wrought in the Apostles time, it is no marvaill, if it wrought in the time of this Councell.

2. This canon obiected maketh but one restraint of Marriage in time of lent, but the Church of *Rome* brought in three: frō *Advent* to the *Epiphany*, from *Sepuagesima* to the *octaves of Easter*; from the *Rogatiō week* to the *octaues of pētecost*: all wch times are strictly urged in *Engl.* still: And yet the last time interdicted at *Pentecost* the *Tridentine* Chapter hath dispensed with. *Sess.* 24.

More times of restraint for mariage observed in Englād, then in the popish Church.

24. *cap.* 10. So that heerein Proteſtants are more ſuperſtitious then Papiſts. 3 This canon for reſtraint of marriage had but a ſuperſtitious beginning: it was prohibited againſt ſuch feſtivals, becauſe of the holineſſe of the time: ſo that theſe abſurdities follow that marriage is a diſgrace to theſe times, which the Apoſtle calleth *honorable, Heb.* 13 4. And that ſome time are more holy, then other, contrary to the Apoſtle *Galath*, 4. 10. And if marriage bee not fit to be ſolemnized, then all matrimoniall duties might as well bee forbidden and ſo married perſons ſhould bee forced to forbeare and to abſteine the third part of the yeare: who iudgeth not, how inconvenient this would be? 4. But ſeeing marriage in theſe times may bee lawfull by diſpenſation, to what other uſe ſerued that canon, then to draw advantage to their purſes? If they can make it lawfull for mony to ſome, as well may the parliamẽt make it lawful toall perſons without money. And ſo the Petitioners requeſt is reſonable, that (day of faſt onely excepted) this & al other Popiſh & inconvenient canons ſhould bee abrogated, according to the ſtatute of *Henry* 8. *that ſuch canons, as by the* 32. *Commiſſioners to be nominated by the king ſhould be found contrary to the Word of God and the law of the land be aboliſhed.* This acte was made ann. Henry 8. 25. c. 19. repealed, ann. 1. 92. of P & M. revived.

ued ann. Eliz. 1. c. 1. VVe desire onely the execution of it.

7. of the long somnesse of Ecclesiasticall suites.

Obiect. *IT is not the fault of the Court, or Iudge &c. but some time the error of pleading, the intricatnesse of the cause, cunning of proctors. &c*

Answ. 1. None of these pretenses can excuse the length of sutes. 1. if the error be in the forme of pleading, let *Constantins* law take place. *Iuris formulæ te aucupatione syllabarum amputentur. They should not stand soe strictly vpon termes and querks of lawe*, but goe directlie to the equitie of the cause: as *Innocent* wrote to the Bishop of *Hereford: Non secundum formam in literis expressam, sed secundum vigorem iustitiæ iudicandum; Iudge not according to the termes of the letter, but after the tenure of iustice.* 2. If the fault be in the advocate, let *Iustinians* law be executed: *Puniatur in duab. libris auri: Let a fine be set on his head.* 3. *If the proctors trifle, and make vnnecessary pleas*, let *Theodosi⁹* law be revived, *that the iudge may remoue thē, ab executione, from their practise, vt sciant causas à se non esse deludendas, that they may learne, not to delude causes.* 4. If the Clients be perverse, and absent themselues, *Iustinian* also hath taken order for that: *The Iudge*

Cod. lib. 2. tit. 28. c. 1.

Lateranens. par. 7. c. 13.

Cod. lib. 3. tit. 1. c. 11.

Cod. lib. 3. tit. 3. c. 2

may

may determine the ſuite in their abſence, and againſt their willes.

2. Now for the time to be limited for the determination of ſuites, the ciuill law preſcribeth two yeares for criminall cauſes: three years, for ciuill & pecuniarie ſuits. The canon law alſo ſetteth, for the hearing of Eccleſiaſticall ſuites betweene partie and partie two yeares: But this is to bee preſuppoſed in moſt difficult and intricate cauſes: for the determining of ſome other civill or criminall, a leſſe time is limited, as the ſpace of 20. dayes: *Sciant Iudices intra viginti dierum ſpatium debere ſe prefata litigia poſtquam orta fuerint, terminare*: And generallie this reſpect of Clergie mens ſuites. *Vt diſceptatio litis duorum menſium ſpatium non excedat. They ſhould not exceed two monethes*: It were to be wiſhed, that ſome of theſe lawes were reſtored that a certaine time ſhould be prefixed, for a finall end of ſuites. A yeare or two at the moſt might ſuffice for the deciding of the moſt intricate cauſes. Now the Iudge, Regiſter, advocate, proctor are all agreed to prolong ſuits for their aduantatage, and ſo, as the prophete ſaith: *they wrape it vp*. Mic. c. 7, 3. But the chiefe fault is in the Iudge, who might abridge ſuits, if he would: And therefore *Iuſtinian* puniſheth the Iudge, in 10 pound of gould, that determineth not cauſes within the time preſcribed: *Leo* the,

Extrav. com. lib. 2. tit. 9. c. 2. Sixtus. 4.

Cod. lib. 2. t. 5. leg. 2. & 6

Canſ. 11. q. 1. c. 45.

What time may be thought meet to be limited for the detaining of ſuites.

Cod. lib. 2. tit. 2. leg. 12.

the 10 decreeth thē to be excōmunicate: *Iudices cauſas coram eis pendentes ſub pœna excōmunicationis terminare debent.* The like courſe if it were taken with our Eccleſiaſtical Iudges the whole kingdom would ſoone finde great eaſe.

Latran. ſub. Leon. 10. ſeſſ. 11.

8. *Of the oath ex officio.*

Obiect. THE oath, *ex officio is uſed as it ought to be by men of wiſdome, experience, conſcience &c. Anſw. p.* 25.

Anſw. The oath *ex Officio* wee deſire that it were in Eccleſiaſticall courts more ſparingly uſed, or rather never uſed, and in theſe poynts reformed, wherein we think it is enforced contrary to the word of God, and the law of this land.

1. *The oath whereby a man is forced to accuſe himſelfe, ſhould not be uſed in ordinarie proceedings, and in trifling and common cauſes, as now it is, but in weightie and great matters, which tend to the diſturbance of the common peace, or are againſt the State, ſuch as are handled in the moſt honourable Court of the Starre-chamber: and it ſhould bee uſed rather in civill cauſes then canonicall, as in matters of truſt, Exod.* 22. 11. *And ſo by the Imperiall law,* in actione depoſiti, *a man might be onerated with an oath.* Cod. lib. 4. tit. 1. leg. 10. *So in action of debt, the debter might be put to his oath.* Ibid. leg. 9.

2 This

2. This oath is miniſtred *propter inopiam probationum*, where other proofes fail, *Cod. lib.* 4. *tit.* 1. *leg.* 3. And the Canon law ſaith, *In ipſo cauſæ initio non eſt à quæſtionibus inchoandum: They muſt not begin in the entrance of the ſuit with queſtions.* So in the caſe of iealouſie between man and wife, where no other evidence was, the woman was charged with an oath or execration, *Numb.* 5. 21. But now a man convented is firſt put to his oath, though other proofes be at hand.

3. VVhere one is preſſed with this oath a partie and accuſer ſhould be given, that he which is accuſed may *referre juramentum*, may haue liberty to returne the like oath upon his accuſer. *Cod. lib.* 4. *tit.* 1. *leg.* 9. *Iuſtinian* giveth this reaſon, *Non debet reſpuere in perſona ſua quod placuit in perſona adverſarij. Hee muſt not refuſe to ſweare in his own perſon, ſeeing hee put his adverſary to it*, ibid. leg. 12. This courſe is held in the honorable Court of Chaunce-ry, that where that partie is examined upon his oath; his adverſary that putteth in the bill appeareth againſt him. This ſtanding forth of the accuſer is approved by our Saviour, *Woman, Where are thine accuſers, Ioh* 8. 10. The heathen Iudge had this equity to ſay unto *Paul, I will heare thee when thine accuſers are com, Act.* 23. 35. The Canons are moſt pregnant this way, that an accuſer ſhould bee produced in iudge-

Iulij. 1. *decr.* 1.

iudgement: *Non oportet quenquam iudicari aut damnari antequam accusatores suos presentes habeat*: None ought to be iudged or condemned before he haue his accusers present. *Non ante accusatus supplicio deputetur, quam accusator presentitur*: That the partie accused be not adiudged to punishment before his accuser be produced. *Wormatens. c. 42. Necesse est secundum scripturarum documentum, & accusatorum & accusatum simul adesse.* It is necessary according to the doctrine of the Scriptures, that both the accuser and accused be present at once. Nicol. 1. de Iudic. c. 10. No cause shall be admitted to any to determe, *Nisi personæ appareant, quæ volunt personam criminosi impetere*: Vnlesse the parties appeare that will accuse the guiltie person. Thus both by Scripture, lawes imperiall, Canons of bishops, Councels provinciall and generall, it is evident, that no man ought to be condemned without an accuser; wherein the course which is taken by the ministring of an oath *Ex Officio* faileth.

4. Clergy men are priviledged not to be examined upon their oath, *Citra iniuriam questiones testimonium dicunt*. Cod. lib. 1. tit. 6. leg. 8. Theodos. *They must giue their testimony, not forced therto by question.* As they are excepted by this law from torture of body, so by the same reason from the forcing of their conscience; especially the Bishop should not exact such

a compulsiue oath of his Clergie. *Nullus Episcopus Clericos suos, nisi forte quibus Ecclesiasticarum rerum dispensatio commissa fuerit, sibi iurare compellat*, Caus. 22. 5. 23. *Placuit ut nullus Episcopus quenquam Clericorum iudicare, aut condemnare presumet, nisi accusatus legitimos accusatores habeat. Wee think fit, that no Bishop do iudge or condemne any of the clergie, unlesse the party accused haue lawful accusers present.* This also is agreeable to the Apostle: *Against an Elder or a Presbyter receiue no accusation but under two or three witnesses*, 1. Tim. 5. 19. But now in Eccleſiasticall proceedings there is no respect had to the reverent calling of preachers, but they are indifferently put to the oath, neither is there an accuser produced.

Inter decret. ab Adrian collecta.

5. The Prophet *Ieremy* would haue us to *sweare in iudgement. Ierem.* 4. 2. that is, not rashly, but deliberately and advisedly: but they which are examined upon the oath can not sweare in iudgement, because they know not the articles before to consider of them, but they that sweare make a present and direct answer, they know not to what. This is also contrary to that decree: *Latran. sub Innocent.* 3. *c.* 8. *Contra quem facienda est iniquisitio, &c. exponenda sunt illi capitula de quibus fuerit inquirendum, ut facultatem habeat, defendendi seipsum &c. He against whom inquisition is made, must haue the points, declared*

unto

unto him, whereof hee is to bee exaamined that he may haue power to defed himself, Ergo the oath ex officio is not according to iudgement.

6. VVe must *sweare* also *in righteousnesse Ierem.* 4. 2. But so doe not they, which take the oath *ex officio*, because they are forced to accuse and betray their brethren, which is against the law of charitie and righteousnes. In which case a man should bee resolved to say with *Ambrose*, *prius est, ut animam mihi quam fidem auferat. I will sooner loose my life then my faith.*

7. It is against the Law, to force a man to produce witnesses against him self: *Nemo contra se cogitur testes producere. Cod. lib,* 4. *tit.* 20. *leg.* 6. Ergo it is against the law for a man to be forced to be a witnesse against him selfe.

8. By the ciuill law a witnesse produced against his will, must not *carcerali custodia detineri &c. Be commited to prison, nor deteyned aboue* 15. *dayes: Cod. l.* 4. 20. 15. *But they which are produced to testifie against themselves are committed to prison, and kept not onely,* 15. *dayes,* but so many weeks and moneths, till they submit themselves to the oath.

4. The Scripture saith: *in the mouth of two or three witnesses, shall every word stand* 2. *Cor.* 13. 2. Hereunto agreeth the civill law,

law, *vox unius, vox nullius*: *the voyce of one is the voyce of none*, Cod. l. 4. tit. 20. l. 8. Constan. And the canon law: *Vnius testis responsio omnino non audiatur*: *one witnesse is not to bee heard*, Caus. 4. q. 3. c. 2. If one witnesse is not to be accepted, much lesse where no witnes is, should any be condemned.

10. The same party should not be both accuser and iudge: our Saviour, to whom as a iudge they presented the adulterous woman, would not condemne her without accusers, *Ioan.* 8. The Canons agree: *Nullus præsumat accusator simul esse, & iudex*: *Let none presume to be accuser and iudge*. Fabian. epist. 1. Damasc. ep. 3. c. 7. Concill. Oxoniens. sub Steph. *But in urging the oath ex officio the Iudge and Court are accusers.* Caus. 4. 44 c. 1. 2.

VVherefore (O most noble King) 1. seing the oath *ex officio* should bee in waighty not common, in civill rather then in criminall causes. 2. seeing it should be used, but when other proofes faile. 3. And that an accuser should be produced. 4. And the Ministers by law are privileged. 5. Seeing such cannot sweare in iudgement, not knowing the articles obiected. 6. nor in righteousnesse, being forced oftentimes to accuse their brethren. 7. Neither should a man be forced to produce vvitnesses against himselfe, 8. neither should witnesses be imprisoned. 9. And every word should stand in the mouth of two or three witnesses. 10. Neither should the same be *Accusator* & *Iudex*. VVe hope your Majesty seeth, what iust cause the Petitioners had to

moue, that the othe *Ex officio* be more sparingly used: which course seemed strange in ancient time: as *Ambrose* reproveth one *Syagrius* Bishop of *Verona*, for condemning a virgin without an accuser: *Vbi talis iudicandi formula, si leges publicas interrogamus, accusatorum exigunt, si Ecclesia, &c. Whence had you this forme of proceeding, if we aske the common Lawes, they require an accuser; if the Church, in the mouth of two or three witnesses every truth standeth.*

Epist. 64.

9. *Of Licenses for marriage without banes asking.*

Object. *Licenses for marriage are most cautelously granted and that upon severe punishment to ensue if the constitution be violated.* Answ. p. 25.

Answ. The inconveniences which ensue upon licenses for marriage, as they are now granted, are many.

1. By this meanes iniury is done unto the parents without whose consent their childe, and sometimes heire is carried away, and married without further notice.

2. Precontracts are by this means deluded, when as marriages are hudled up without publicke warning, that they which haue interest might take exception.

3. These licenses giue way to clandestine and secret marriages, which are forbidden both by Gods law and mans.

4. The Church and congregation is offended,

ded, the Paſtor mocked, when two of their pariſh are ioyned in marriage, they know not where, nor when. Secondly, as for the ſeverity of the conſtitution, the ſtrength thereof dependeth upon the bonds of the ſuerties which may be knights of the poſt, & men of no worth? And notwithſtanding this canon, licenſes haue been abuſed as much as before, as ſome of us can ſpeak of experience. Thirdly, the Petitioner then had reaſon, to moue, as they did: And further, we explaine our Petition, that either licenſes might be cleane cut off, and banes thrice asked without any exception, according to the Communion book, as it hath been in ſome Synods alſo decreed: or that noble perſonages, or men of the like quality onely be priviledged, as the conſtitution intendeth: and that they to other be granted very ſeldom, and that upon neceſſary and urgent occaſion, better cautions, and more reaſonable fees: that, as other things, ſo marriages may bee done, according to the Apoſtles rule, *Comely, and in order*. 1. *Cor*. 14 40. But now by theſe licenſes order is broken, and a way made to many uncomely, and unhoneſt proceedings. *Coloniens. par*. 7. *c*. 43. *Auguſt*. *c*. 21.

The defence of the Concluſion.

1. Cenſure THE ydle vaunt, *that the Petitioners make, &c. they haue paſſed over in ſilence many learned tractes.* Anſw. p. 26

Anſw. VVee truſt by this defence it doth

appeare, that it is no idle vaunt (that the Petitioners are able to ſhew the particulars given in inſtance, not to be agreable to the ſcriptuers:) The treatiſes written on the contrarie part, the Petitioners profeſſe not to confute, the world is too full of ſuch bookes alreadie, & the common adverſarie reioyceth too much in our domeſticall contentions: yet ſome of them where it was needfull, are anſwered: ſome as ſuperfluous, are omitted: of the which we may ſay with *Ambroſe*, *Accuſationem non tacendo confirmant ſed deſpiciunt non refellendo*: *They are beſt refuted, by beeing deſpiſed.*

In Luc. 22.

Yee will by argument ſilence them.] Boaſt not too much of your ſtrengh, let not him that puteth on his armour, boaſt, as he that putteth it off: vve doubt not, but to whom God hath geuen affection to loue his truth, hee will alſo graunt elocution to defend it. But though you could put men to ſilence, the truth, will not be ſilenced: *Melior eſt cauſa, quæ non defenditur, & probatur, taceat lingua neceſſe eſt, vbi ipſa equitas ſibi adeſt*: as *Ambroſe* ſaith. *The goodneſſe of the cauſe doth the better appeare when it is approued without defence.* The gracious effects vnder her Maieſties late happie reigne, proceeded not from the diſcipline but from the doctrine of the Church, which if it had been cheriſhed by a good foſter ſiſter, would haue brought forth more glorious fruits. His Maieſtie, what defects ſoever he found in the reformation of his former kingdom, (which are not ſuch as

Serm. 49.

you

you insinuate) he knoweth wisely to distinguish between the faults of men, and the nature of the thing, as the law saith, *Delictum personæ, non debet in detrimentum Ecclesiæ redundare. The persons fault should not bee the Churches præiudice.* Reg. iuris. 76

2. Cens. *That God hath appointed his Maiestie &c. for such a purpose as they conceit, What poynt of divination? &c.*

Answ. VVe doubt not, but that God hath appoynted his Maiestie to the kingdome for such a time: euen to reforme such things as are out of square both in Church and Common-wealth: that we may say of his Maiesty with the Prophet: *Vocaberis instaurator ruinæ, & institutor semitarum.* Esay. 58. 12. As for the Petitioners, they haue neither Popish nor puritan humors to be purged of: VVhere the sicknes is we trust our princely physitian will in time finde out: As *Augustine* saith, *Qui medici officio fungitur melius intelligit, qui sani sunt, quam ipsi qui sanantur: The Physitian better knoweth who are sicke, or sound, then they which are healed.* Soliloq. 1. 14 Neither do we wish the state to be dissolved, but the corruptions to be reformed: The state of the Church as we deny it not to bee in part, as they say; acceptable to God, honourable to his highnes, comfortable to many thousand Ministers, so we desire, that in each sort it may be more: and say with *Augustine* in an other case *optandum est vt fiat, supplicandum est, vt fiat, non quasi factum fuerit consulendum. It were to be wished that so it were, but cannot be sayd, that so it is.* Epist. 16.

3. Cenſure. *He that will indifferently conſider, &c. ſhall haue iuſt cauſe to approue the iuſtice, commend the mildnes, &c.*

Anſw. VVee wiſh the ſame which our brethren write, that ſuch mildnes had beene vſed by the governors of the Church toward the preachers, which were filenced, impriſoned, deprived for refuſing the ſurplice and croſſe, and ſuch other matters (to the vrgers of them) of no great importance: God ſhew them more mercie in that day. Certainlie howſoever their ſeveritie before men, by authoritie may be excuſed, yet their clemencie would haue bene more commended, as *Ambroſe* well ſaith, *Vides quid authoritas tribuat, quid ſtudeat miſericordia: excuſationem habes, ſi feceris laudem, ſi non feceris.* Epiſt. 58.

4. Cenſ. *As for that clauſe of mens traditions, it is odious:* Anſw. p. 27.

Anſw. Let our brethren tell vs in good ſadneſſe, whether they can proue, the ſurplice, croſſe in baptiſme, non reſidencie, excommunication by Chancelors, officials, by the ſcriptuers? If they cannot, what are they els, but *mens traditions?* And it is acknowledged, that this laſt is challenged not by Gods law, but by mans: How ſay our brethren then is it not an humane tradition: this hiding of the diſeaſe tendeth not to healing, but to further hurt: *Nolens ſe eſſe reum addit ad reatum, excuſando ignorat, non ſe pœnam removere, ſed veniam. He that will not be guilty, increaſeth his guilt, and by excuſing himſelfe procureth not pardon, but puniſhment.* Perpet. gov. p. 320. Lib. de dile. c. 5.

5. Cenſ.

5. Cenſ. *Are we the men, that are addicted to our own quiet, credit, and commodity?* Anſ. to petit. p. 27.

Anſw. VVho ſeek their quiet in the vvorld more then idle miniſters that either do not, or cannot preach? vvho their credit more then they that ſeeke to haue preheminence aboue their brethren? vvho their profit more then they that heape living to living, benefice to benefice, dignity to dignity? Are not they the men that take upon them to bee proctors and patrons for all theſe? VVee charge them not to put out their money to uſurie, their multiplicity of livings will make them rich enough without it: their labours by preaching and writing againſt the common adverſaie we diſpraiſe not, but wiſh the one were more, and the other in many to better edifying: Neither are their brethren the Petitioners inferior in any of theſe travels: But this wee diſlike, that our bretheren ſhould thinke by their labours to colour and countenance theſe corruptions: This were as *Hierome* ſaith: *Rem medecinæ vulnus facere, remedium animæ venenum: To make a wound with a medecine, and turne the remedie of the ſoule into a maladie.* Ad Demetr.

6. *Cenſ.* It is obiected, *That the deſire of the Petitioners doth not ſuit with the ſtate of a monarchy:* whereunto our anſwer briefly is this:

Firſt to enforce this concluſion, the confuters produce falſe and ſlanderous premiſes, as that we would haue the king confined within the limits of ſome particular pariſh: *Vntruth diverſe.*

that

Answ. to pet. p. 29. that they giue vnto the presbyters power to censure, enioyne penance, excommunicate the king, and where there is cause to proceed against him as a tyrant: that they denie appeales to the prince, would draw all causes to be Ecclesiasticall, that they allow the magistrate, *Non potestatem iuris, sed facti.*

1. The Petitioners utterly renounce all these uncharitable imputations: they are further off from making all causes Ecclesiasticall, then the Bishops and their officers: for they think that actions matrimoniall, decimarie, testamentary, *de jure* belong to the deciding of the civill Magistrate, which now *de facto* are appropriated to the Ecclesiastical courts.

2. Not presbyters, but Bishops haue taken upon them to censure and excommunicate Kings: as *Odo* suspended King *Edwine*: the Fox. p. 151. Bishop of *London*, *Elie*, *Vincheſter*, *Hereford*, Fox. p. 251. interdicted *K. Iohn*, and the whole Realme: they were the Bishops, not presbyters, that iutted with and iostled their Kings. *Anselme* opposed himselfe against *William Rufus*, *Becket* against *K. Henry the* 2. *Ste. Langhton* against *K. Iohn*. *Rob. Winchelsey* against *Edward the* 1. *Thomas Arundel* against *Rich. the* 2. And *few Archbishops we finde* (saith *M. Fox*) Fox. 395. *With whom kings haue not had some quarrels or other*. But as for the Petitioners concerning the censuring of Kings: we assent unto their determination that thus write, *Si quis vetus & novum Testamentum, gestaque revolverit, patenter inveniet, quod aut minime, aut difficulter possint reges & imperatores excommunicari: admoneri*

moneri poſſunt, increpari, argui a diſcretis viris, &c. If a man turn over the old & new Teſtamẽt he ſhall apparantly ſaid, that none at all, or very hardly Kings and Emperours can bee excommunicate: they may be admoniſhed, rebuked by diſcreet men, &c. And they add further: *Hildebrandus papa primus levavit ſacerdotalem lanceam contra diadema regum: The Pope a Biſhop* (not the presbyters) *did firſt liſt up the Prieſtly launce againſt the Kingly crown.* If in ſome places ſome heady men haue preſumed without warrant, it ought not to preiudice neither us, nor our cauſe: But as *Ambroſe* ſaith: the example of ſuch, *Non excuſationi obtenditur, ſed cautioni proponitur: ſhould not be pretended to imitate, but propounded to take heed.* Epiſt. Leodienſ. Eccleſ. Cont. Paſch.

Secondly, would our brethren haue the ſtate of the Church Monarchicall by this colour, to make the Eccleſiaſticall and Civill ſtate ſuteable, when there was but one Emperour, ambitious policie brought in one ſupreame Biſhop the Pope, that tooke upon him to be chiefe over all Biſhops: There is great difference between the Church and the Kingdom: their regiment cannot be alike: Our Saviour himſelfe ſheweth a difference, *The Kings of the Gentiles reign over them &c. but yee ſhall not be ſo.* Chriſt would haue no Monarks and ſole commanders in his Church, as the Kings were among the Gentiles. Do not our learned writers maintaine againſt *Bellarmine* that the policie of the Church, *Quam proxime accedere. &c. doth come moſt neere to an Ariſtocraticall eſtate, not a Monarchicall*: And The Eccleſiaſticall ſtate in earth not Monarchical. Luc. 22. 23. D. Sutcliffe. l. 1. de. pont. Rom. c. 5.

And in this manner was the Church governed at the beginning, as *Hierome* witnesseth, *communi presbyterorum consilio: by the common counsell of presbyters.*

In Tit. 1.

Thirdly, yet shall it appeare, that the regiment and Discipline of the Church, which the Petitioners moue, is much more suteable to the state of a Monarchie, then the Episcopall Hierarchie: 1. VVee acknowledge no other Monarch, both in Civill and Eccleſiasticall causes, but the kings Maiesty: there need not to be any other Prince, or chiefe of the Bishops, but the King, 2. the civill state, though it be Monarchicall in the head, yet it is not throughout in the members. The King first, hath his honorable state of Councellors, all of equall authority: to that may answer for Eccleſiasticall matters a Synode of Bishops: then in every shire, there are worshipfull knights and Squires in commission for the peace: were it not a confused estate, that there should bee but one Iustice in a shire, as now there is but one Chancellor or Archdeacon? How much more suteable were it, if every Deanery and division had their assembly and reverent learned Pastors, for the administration of discipline, then one ignorant Civilian, or some other ordinary substituted person? VVee appeale now to all religious politike statesmen, whether this form of Eccleſiasticall government were not much more fitting to the Commonwealth, then that which now is used: VVherefore the Confuters are too blame to charge the Petitioners

The presbyter of Pastors proued suteable to the State.

titioners, and their requeſts, as not ſuteable to the ſtate: VVe ſay with *Ambroſe*: *Didicimus omnes fidem proprio regi ſervare, nec uſurpare regnum ſed vereri: Wee haue learned to bee faithfull to the Prince, not to uſurpe any kingdom, but to reverence the king, &c.*

6. They further vntruely charge the Petitioners, *That povertie and lack of learning would creepe into the Clergie if their deſire take place.* Anſw. p. 29. *Vntruth. Nor ſuch thing will enſue.*

VVhereunto we anſwer. 1. what though there be not ſufficient maintenance left in ſome reformed Churches: VVee pittie their eſtate, and as much condemne the embeazelers of Church revenues, as theſe cenſurers: And it is an vncharitable ſpeach, that wee would haue our Churches reduced and made conformable to the calamitie of thoſe places: Neither is the povertie of thoſe Churches the fruit of their reformation, but of ſome mens couetouſnes, that are ready to take any occaſion to enrich themſelues: neither do the Petitioners urge the alteration of the eccleſiaſticall ſtate, according to their platforme: the Petitioners ſtand for the maintenance of a learned Miniſterie, as it may appeare by their motion of impropriations; and wee ſay with Origen: *Niſi dederit oleum populus, extinguetur lucerna in templo.* *Vntruth. We would not haue our Church ſo reduced.* *Hom. 13. in levit.*

2. That there are not many men brought up among them (they meane in *Scotland* and other reformed Churches) worthy of that honorable maintenace: is not far from a defamation of ſo worthy a Church, neither had

that

that land ever more learned men both preachers and writers, then are at this time: The Kings own Teſtimony ſhall cleare this point: *There is preſently a ſufficient number of good men of the miniſtry of this kingdom*; How may his Maieſty take it, to haue ſuch an evill report brought up of his countrey.

Vntruth. 3. Of like truth it is, that the petitioners here called at their pleaſures (*evill, malicious, ungrateful men*) can ſee nothing in the Church but defects, deformities: VVee neither condemne that which is good for the evill, nor yet iuſtifiy the evill, as they do, together with the good: that were to uſe too little a meaſure, and this too large, as one ſaith: *Menſura maior eſt, quando plus donatur rebus, quam merita depoſcunt; minor, cum ſubtrahitur meritis quod debetur.*

Apol. pamph.

4. VVe wiſh alſo, that all which profeſſe the truth were in our condition, but with S. *Pauls* exception: *Excepting theſe bonds;* our ſtate were moſt happy, if this ſervitude under humane conſtitutions were removed.

Act. 26. 29.

5. And we wiſh with all our hearts it were as they ſay, *That our Reverend Prelates did contayne themſelues within ſuch bounds, as preſerue that ſtate from creeping to any papall corruptions*: But how can this be truly ſayd, when as the diſcipline of the Eccleſiaſticall courts is altogether the ſame, ſetting the ſupremacy aſide, which was exerciſed under the pope. The corruption is not reformed, being by an other authority maintayned: the Canon ſaith: *Cum quid una via prohibetur alieni, ad id alia*

non

non debet admitti, *That which is forbidden one way, ought not to be admitted an other.* The corruptions of the Eccleſiaſticall ſtate, as by the papall ſupremacy, are not now practiſed, ſo by his Maieſties princely authority we truſt ſhall bee purged: to whom the honour of this worke muſt be left, not to the Biſhops themſelues, *to chaine them with ſuch bonds as may preſerue that ſtate from creeping to corruption.* Cartw. p. 44

6. That there is yet remaining to Colledges, Cathedrall Churches, Biſhops, ſuch ſufficent and honorable maintenance, the Petitioners, which are vniuſtly traduced, as impugners of the ſtate, doe therein reioyce and wiſh together with the continuance good employment of them: Such as do prey vpon the Church tithes and inheritance, and they, which aſſent vnto them, we hould guiltie of great impietie: *Ambroſe* well ſaith in an other caſe: *Naboth vineam non tradidit ſuam, nos trademus Eccleſiam Chriſti: ſi ille patrum hæreditatem non tradidit, ego tradam hæreditatem Chriſti. i. If Naboth would not forgo the inheritance of his fathers, much leſſe ſhould any betray the inheritance of the Church.* Anſ. to the Pet. p. 31. Orat. in Aſſ. xent.

7. If it be admited, that there were more learned men in this kingdome, then among all the Miniſters of the religion in all *Europe* beſide: that doth not proue, that there are no dumb & unlearned Miniſters in the Church. 1. And where will our brethren find ſo many learned men, if they exclude all thoſe preachers which deſire reformation, whom Anſ. to Pet. p. 31.

at other times they will hardly affoord the name of learning. 2. And it need not to be marvailed at, if *England* may compare in number of learned Paſtors, with moſt reformed countries (though the compariſon bee too large to ſet it alone againſt all *Europe*) ſeeing in this one land there are more pariſh Churches, which are occaſions of learned Miniſters, then in all the Proteſtant reformed nations. 4. But conſidering the whole number of Pariſhes (which riſeth to not ſo few, asten thouſand) as we may compare for learned Miniſtets, ſo we feare wee exceed them for unlearned. *Scotland* hath not the third part of that number, nor the tenth of our maintenance; but there are few Churches which haue not a preaching Miniſter: therein we wiſh we could compare with them. 5. As this Church of *England* aboundeth with many learned men; ſo it would abound much more, for every learned miniſter wee ſhould haue two if that courſe might be taken which the humble Petitioners deſire: but now as wee haue many bright ſhining lamps, ſo there are more dim twinkling ſtars. The third part of the land is darkened with unpreaching miniſters, that we may ſay with *Origen, Alij ſunt, quorum pars aliqua obſervatur, ut in Revelatione percuſſa eſt tertia pars lunæ: alij qui penitus cadunt, ut ſtellæ à draconis cauda tractæ.* Though the dragons taile of Rome (thankes bee to God) hath not ſmitten our ſtarres to the ground, yet a third part of our morne is obſcured.

Tractat. 30. in Mat.

8 And

8. And true it is, that as our brethren ſay, our inferiour Clergie (even the thouſand preachers Petitioners, with their fellow labourers, ſo diſpiſed, & not the dumb idle miniſters and Non-reſidents) *haue been the moſt effectual meanes to ſettle the tranquilitie of the land, by inducing mens mindes unto piety towards God, loyalty to their King:* and to uſe their owne words, *as the Apoſtle gaue his detractors to underſtand, that he was not inferiour to the chiefe Apoſtles; nay, that he laboured more then they all. In like caſe we doubt not, but a truth may be be averred of our ſelues even by our ſelues, without any oſtentation at all, When it is ſo iniuriouſly impeached, and troden under feet, to the high diſhonour of God, the diſgrace of his Goſpell, and to the ſlander of this moſt Chriſtian Commonwealth.*

Thus haue we anſwered our brethren for this matter with their owne words, but much more truely without any oſtentation of vanity, but in the plaine declaration of verity: and we ſay with *Ambroſe*: *Non eſt hoc ulla virtutum iactantia, ſed vita innocentis aſſertio, aliud eſt dignum ſe præmia dicere, aliud indignum iniuria. It is not to boaſt of our vertues, but to avow our innocency: and one thing it is to ſay, that Wee are worthy of reward, and another, that We are unworthy of iniury.* Ambr. ſer. 15 in Pſal. 129.

And thus for this time haue we ended our iuſt plea, and reply for the truth, leaving the iudgement thereof to your Chriſtian Maieſty: wherein to our knowledge we haue maintained nothing which is not conſonant to the Scriptures,

Scriptures, and agreeable to the ancient practise of the primitiue Church. In handling wherof, we humbly craue pardon if we haue been too tedious. Our intendment was not so much to confute the gain-sayers, as to confirme the truth: and we herein follow *Cyprians* counsell; *Semel laboravimus, ne alij semper laborarent. We haue taken this paines at once, to ease other of continuall paines*: That where they doubt they may bee resolued, where they are wavering, they might bee setled, and wherein they haue not yet travelled, they may be further informed.

Ad Fortunat.

Now to your excellent Maiesty we hartily wish the compassion of *David*, the wisedom of *Salomon*, the faithfulnesse and zeale of *Moses*, both tenderly to pitty, wisely to discerne, and uprightly to determine these causes and controversies of the Church (according to these excellent graces of *Clemencie, Prudencie*, and *Piety*, wherewith God hath enlarged your Princely heart) to the honour of Christ, the comfort of his Church, your Maiesties immortal renown in earth, & everlasting reward in *Heaven*.

22 9 19

FINIS.